

SENATE—Friday, March 21, 1980

(Legislative day of Thursday, January 3, 1980)

The Senate met at 10 a.m., on the expiration of the recess, and was called to order by Hon. DAVID L. BOREN, a Senator from the State of Oklahoma.

PRAYER

The Chaplain, the Reverend Edward L. R. Elson, D.D., offered the following prayer:

O God of the years that have been and of all the years yet to come, we thank Thee that Thou dost never leave us nor forsake us. We would draw near to Thee in this our morning prayer and stay with Thee until the shadows lengthen and our work is done.

Make this Nation mindful of Thy favor, obedient to Thy law and glad to do Thy will. Bless our land with honorable industry, sound learning, and pure religion. Save the inner life of the Nation from disloyalty, from discord and confusion, from pride and arrogance and from every evil way. Keep us steady and strong in the uncertain, dangerous days yet to come. Imbue with the spirit of wisdom those who, in these crucial times, have been trusted with high office. And may Thy kingdom come and Thy will be done on Earth. Amen.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. MAGNUSON).

The assistant legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, D.C., March 21, 1980.

To the Senate:

Under the provisions of rule I, section 3, of the Standing Rules of the Senate, I hereby appoint the Honorable DAVID L. BOREN, a Senator from the State of Oklahoma, to perform the duties of the Chair.

WARREN G. MAGNUSON,
President pro tempore.

Mr. BOREN thereupon assumed the chair as Acting President pro tempore.

RECOGNITION OF THE MAJORITY LEADER

The ACTING PRESIDENT pro tempore. Under the previous order, the majority leader, the Senator from West Virginia, is recognized.

TEHRAN HOSTAGES

Mr. ROBERT C. BYRD. Mr. President, for 139 days, Americans have been held hostage in our Embassy in Tehran. Each of us has vented his anger and frustration in private as the suffering of the

hostages and the anguish of their families have been contemplated, and as we watched the antics of the mob in front of our Embassy on television.

However, with a very few exceptions, political leaders have chosen to moderate their public statements, recognizing that a cacophony of voices could further complicate the prospects of winning the hostages' release. For the sake of the hostages, we have allowed the President to speak on behalf of a united nation.

The administration has sought to win the release of the hostages through diplomatic initiatives and some economic pressures. The administration has refused to rule out the resort to military force except as a last resort. The administration has sought and received the support of our major allies in many of its efforts, and we have won a surprising degree of support in the U.N. for our position.

Changes in Iran's domestic political situation and in the international situation have complicated the task of bringing pressures to bear on Iran. These changes have created new possibilities that can be pursued in efforts to win release of the hostages.

Slowly, it seems that an authoritative government is emerging in Iran. Until now, we have not had an interlocutor that has been able to carry out its commitments. This ability to carry out commitments is a key to any attempt to win the release of the hostages. There is no guarantee that the political forces that prevail will be the easiest to deal with—but it is certain that any authoritative government will be easier to deal with than the chaos that has prevailed up to now.

The Soviet intervention in neighboring Afghanistan is another change that must be taken into account. Increasingly there are those in Iran who perceive the threat that the Soviet intervention portends. And increasingly, there are those in Iran who believe that the hostage situation is an impediment to Iran's protection of its national security.

From time to time, it appears that the patience of some Americans grows thin. That is understandable. But that is when cool heads are most needed, when patience is thin.

It is easy to call for dramatic new steps when patience is thin. It is hard to counsel continued patience. But statesmanship requires taking hard counsel and refusing to bow to the passions of the moment.

Dramatic new pressures on Iran at this moment would seem to have two effects: First, such pressures would strengthen the hand of the most fanatically anti-American political factions. Second, such pressures would distract Iran from the threat posed by the Soviets in Afghanistan, perhaps giving the

Soviets a pretext for meddling in Iran. Dramatic new pressures at this moment would not seem to have the effect of hastening the hostages' return.

Some of the dramatic steps that are now being proposed could take us a step closer to a possible military confrontation in the Persian Gulf. We must be ready for this possibility in the future.

The dramatic steps that are easily proposed but which could be very difficult to carry out can also be considered at a later time. There is time to consider such steps in the future, when we may be even better prepared to implement them if they become absolutely necessary. But I am concerned that the hostages might be the first to suffer from some of the proposals that have surfaced.

My patience has worn thin a long time ago, and so has the patience of my colleagues. We all want to see our hostages home soon. But we want to see them home alive. We want to see them unharmed. I am willing to try to continue to restrain myself, as most of my colleagues are, so that the Nation continues to speak in one voice in attempts to win the freedom of the hostages.

The support of the international community as it has manifested itself, the decisions that were reached at the Islamic Conference—these things and others indicate that patience counts and that patience can succeed.

I think that we ought to be willing to be patient a little longer and not, at this critical juncture, take actions that could exacerbate the already dangerous situation in Iran. Such actions would make more difficult the early release of the hostages and could serve to endanger them and create an even more difficult situation in the area.

There is plenty of time for a national debate on U.S. policy in Iran. But this is not the moment for proposals concerning dramatic action.

There is one thing the militants have not been able to accomplish as yet—to divide our Nation. Division would play into the hands of the terrorists who hold our hostages.

For too long, many people have thought of those terrorists as students. They are not students. They are militants, terrorists.

I think now is the time to keep our shirts on and our heads screwed on to our shoulders. This is not a time for a lot of hot air. There is always plenty of that. Let us keep our eyes on the hostages and not undermine the efforts of those in Iran who already see the Soviet Union as the real threat, and not the hostages as the threat. In time, I believe that patience will pay off.

I do not know of anything that can be done militarily to get those hostages out of Iran. We might not even be able to get them out dead, to say nothing

of getting them out alive. Any rash moves not only endangers their lives, but endangers the efforts that are continuing to be made and which I believe eventually will be successful in bringing about the release of the hostages. It is a critical period in that area of the world, a situation which is being taken advantage of by the Soviet Union.

So I urge patience and continued stick-to-itiveness in our efforts to bring about the release of the hostages at the earliest possible moment.

RECOGNITION OF THE ACTING MINORITY LEADER

The ACTING PRESIDENT pro tempore. Under the previous order, the acting minority leader, the Senator from Alaska, is recognized.

THIRTY-SIXTH ANNUAL DINNER, RADIO AND TELEVISION CORRESPONDENTS ASSOCIATION

Mr. STEVENS. Mr. President, last evening it was my privilege to attend the 36th Annual Dinner of the Radio and Television Correspondents Association which honored and, at the same time, roasted Walter Cronkite. I am pleased to report to the Senate that we were very ably represented at the dinner. Those of us in attendance were entertained by quite an array of musical talent including a rendition of "Cotton Eye Joe" by our in-house virtuoso the Senate majority leader and a spirited but rather strange song entitled "Slipping Away" and which he dedicated to me and my Republican colleagues. There was also a presentation made to Phil Jones for his service as president of the Radio and Television Correspondents Association.

As for Walter Cronkite, our majority leader pointed out that a vast number of Americans identify with him because of his decency, patriotism and honesty. He represents what we as a people believe in most. Today he is the most trusted man in America because he represents an understandable view of the news in this age of world propaganda, and makes statements that are believable truths in the rush of events in which we live.

The program for the evening concluded by our listening to a new song, a new arrangement, entitled the "Baptism of Walter Cronkite."

We all enjoyed having the majority leader bring his mountain fiddle to the correspondents dinner and I was particularly entertained by all his songs with the exception of the one entitled "Slipping Away."

EUROPEAN ENVOYS SUGGEST A POSSIBLE BREAK WITH IRAN

Mr. STEVENS. Mr. President, on another subject and not to take issue with my good friend, I would like to put into the RECORD the article from this

morning's New York Times by Flora Lewis, which points out:

Ambassadors in Teheran representing the nine members of the Common Market and Greece have recommended that their governments consider breaking relations with Iran if all else fails to win the release of the American hostages, diplomatic sources here have disclosed.

The article points out that the Ambassadors have included in their message a sharp, if tacit, reminder to their governments that the United States has reversed its position on sanctions. The report states that the European governments will obviously want to make certain of U.S. policy and intentions before taking action.

I think we have tried. Some people have criticized me for maintaining the position that we can only speak with one voice abroad, and that is the voice of the Chief Executive.

Some people have indicated that that suggests implied support of the President as he seeks reelection. It certainly does not.

Nor does it mean that we should continue to support the President if he does not send a clear, concise, and understandable message to our allies outlining our intentions with regard to Iran if these negotiations continue to fail.

I believe it is incumbent upon the President to make clear the position of the United States with regard to these sanctions against Iran. What is the position of the United States with regard to the order that the Iranian Embassy here in Washington be limited in number of personnel? What is the position of the United States with regard to the continued presence of Iranian students in this country who should not be here in the first place since they have violated the terms of their visas.

I hope that the President will clarify these issues so that our friends around the world will be prepared to join us in those sanctions, including breaking relations with Iran if all else fails to secure the release of our hostages.

I ask unanimous consent that the article to which I referred be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

EUROPEAN ENVOYS SUGGEST A POSSIBLE BREAK WITH IRAN (By Flora Lewis)

PARIS, March 20.—Ambassadors in Tehran representing the nine members of the Common Market and Greece have recommended that their governments consider breaking relations with Iran if all else fails to win the release of the American hostages, diplomatic sources here have disclosed.

The ambassadors were organized as a consultative committee recently to work out joint reports on the hostage situation and joint suggestions for their governments in keeping with efforts of the European Economic Community to establish a common front on certain diplomatic issues.

Their latest report was sent after the failure of the United Nations commission in Tehran. The commission nearly succeeded,

they said, but its efforts finally collapsed because of the internal power struggle in Iran.

The failure put the issue of diplomatic immunity and respect for international law in the forefront once again, the ambassadors said, and would cause the question of sanctions against Iran to be revived.

A POLITICAL PROBLEM

It also showed, the ambassadors said, that the hostage problem is political, not economic, and the report concluded that it should be met with political rather than economic pressures.

Economic sanctions, particularly if they involve food and transport, are likely to be perceived by the Iranian people as Western collusion intended to make them suffer, and could wind up consolidating support for anti-Western extremists rather than solving the hostage issue, the diplomats said.

They suggested steps, including increasingly sharp warnings to the Iranian authorities, that in their view would provide a political approach to the problem. The final step, if nothing else worked, they suggested, should be a break in relations.

The report did not evaluate what effect that might have on the internal situation in Iran, nor did it attempt to analyze the intricate power relations between the Iranian factions.

U.S. REVERSAL NOTED

However, the ambassadors included in their message a sharp, if tacit, reminder to their governments that the United States has reversed its position on sanctions. The report states that the European governments will obviously want to make certain of United States policy and intentions before taking action.

United States shifts on dealing with Iran over the hostage issue is one of the points regularly raised by European officials in defending the reluctance of various countries to respond to American requests for clear and effective support against the Soviet military intervention in Afghanistan.

The officials pointed out that the European governments were getting ready to back sanctions on Iran proposed by the United States when Washington suddenly changed signals after the invasion of Afghanistan.

For a break in diplomatic relations to have real impact on Teheran, the ambassadors said, at least 20 nations should be ready to join in the move. This implies that at least some should be third world countries, so as to avoid the impression that only Westerners are concerned with the question of hostages.

EXPLORATION ON FEDERAL LANDS IN ALASKA

Mr. STEVENS. Mr. President, I have often spoken in the Senate about the foolish and indeed dangerous policy of our Government which prevents oil and gas exploration on Federal lands in Alaska and elsewhere. Even though our dependence on foreign oil causes prices for gasoline and home heating oil to soar and could even lead this country dangerously close to war in the Middle East, the current administration adamantly refuses to allow any onshore leasing of land with potential for oil and gas development in Alaska.

Milton Copulos, energy analyst for the Heritage Foundation, a nonpartisan public policy research group, has written a highly pertinent and well reasoned ar-

ticle which appears in the March 4, 1980, edition of the Oil Daily. Mr. Copulos is not an oil industry analyst. He is a well respected oil analyst and author of numerous studies and articles on energy policy. I ask unanimous consent that the article by Mr. Copulos be printed in its entirety in the RECORD and urge my colleagues to pay heed to its message.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

**ALL COMMON SENSE POINTS AWAY FROM
LOCKUP OF ALASKA LANDS**
(By Milton Copulos)

One can hardly pick up a newspaper or listen to a broadcast without being reminded of the tremendous toll our dependence on imported oil is extracting from our nation's economy. From the balance of payments to the price of home heating oil, from Christmas toys to airline tickets—in every aspect of our daily lives higher energy prices are making themselves felt.

As though the economic costs were not enough, it now seems that with each passing day our heavy reliance on imported oil is taking us further and further along the path to war. As our peril increases so too does the urgency of our search for a solution. It is nothing short of incredible then, that with a stroke of his pen Interior Secretary Cecil Andrus recently foreclosed one of the most promising avenues of escape from our dilemma.

On Feb. 6, Secretary Andrus put a freeze on 40 million acres of Alaska lands under the provisions of the Federal Land Policy Management Act. In so doing he effectively barred access to vast areas of Alaska, many of which are considered among the most promising for the discovery of additional supplies of oil and natural gas. Although there is some debate over the extent of the deposits, estimates of the size of potential deposits in just one of the areas, the Arctic Wildlife Range, run as high as 14 billion barrels of oil, or nearly one and one half times as much as was found at Prudhoe Bay.

LOCKUP

What is most disturbing about this most recent action is that it is only the latest in a series of moves in Washington aimed at locking away forever the vast resource potential of Alaska. Moreover, these actions directly contradict the expressed wishes of the majority of the residents of that state, and the vital interests of our nation.

To the average American, mention of Alaska conjures up romantic visions of Sergeant Preston of the Yukon chasing claim jumpers across the frozen tundra. This idealized image of a bygone era bears little resemblance to the realities of modern Alaskan life. Like most popular misconceptions though, it carries just enough of a grain of truth to remain firmly implanted in our collective subconscious.

What is not commonly understood is that Alaska may hold the key to unlock the bonds which tie our national survival so closely to the Persian Gulf. The trouble is that the bureaucrats in Washington and their friends in Congress are about to throw that key away.

POSSIBILITIES

While at present no comprehensive accounting of Alaska's energy resources exists, some reasonably educated guesses can be made. For example, it is credibly estimated that the state has undiscovered, recoverable reserves of from 59 to 100 billion barrels of

oil using today's technology. This oil would be sufficient to offset all of our imports for the next 22 to 37 years at present levels. Assuming that a reasonable improvement in recovery methods takes place over time, we probably could double this estimate.

If that is the case, why aren't we developing this oil? For the same reason that we are not sure of the exact amount: Most of it lies on federally owned lands which have been closed to even basic exploration. Astounding as it may seem, to date a total of only 87 exploratory wells have been drilled in our 49th state. This compares with a total of 336,435 drilled in the lower 48 between 1947 and 1978.

Prior to the OPEC embargo, and the advent of increasing instability in the Middle East, some justification might have existed for the prohibition of oil exploration and development in our northernmost state, but under present circumstances, no such justification can possibly exist. Further, contemporary techniques for conducting initial exploration leave no lasting mark on the environment, and even the development of an oil field can take place without serious ecological effects. This contention has been borne out by both the Alaska pipeline, and the development of the oil field at Prudhoe Bay. It should be noted that a field the size of Prudhoe would take up less than 1.4 percent of the acreage contained in the Arctic Wildlife Range, and the actual drilling equipment and facilities an infinitesimal fraction of that.

A basis for comparison may be found in the fact that along its entire length, the Alaska pipeline takes up only 8.2 square miles out of the state's more than 350,000. There is also the Alcan highway, built 35 years ago, which stands as a clear demonstration that development can take place without ecological catastrophe.

Environment protection is a goal which all responsible citizens support. Such protection, however, should not be used as an excuse for hoarding. In spite of this, there appears to be a pervasive notion in Washington that the only way to protect the environment is to put it, in effect, in a deep freeze. This elitist approach is born of the mind-set which views the undeveloped regions of our nation as a private preserve to be held in pristine condition so that a privileged few can go backpacking two weeks out of the year. The trouble is, this notion is in direct conflict with the vital interests of our nation.

According to the State of Alaska, we could be receiving as much as 5 million barrels of oil a day from its fields within a reasonably short period of time, if only we allow it to be developed. This oil would equal two-thirds of our total imports, and be more than enough to eliminate our perilous dependence on the Middle East. Since this is the case, it would seem to make sense to utilize it.

Secretary Andrus, however, disagrees.

RONALD REAGAN

Mr. STEVENS. Mr. President, I am intrigued by two articles in this morning's paper concerning Gov. Ronald Reagan.

Stephen Rosenfeld's article, "Can an Ex-Governor Handle Foreign Policy?" is one that I think is fair and balanced and certainly is correct when it ends by saying, "People who dismissed Reagan out of hand in the past cannot avoid taking a second look now."

The other one is Mark Shields' article entitled, "Reagan May Get His Chance." It ends by stating:

But if the Reagan campaign can persuade voters that its man is a decisive, effective leader who successfully governed the State that is our most populous and that, on its own, would be the world's seventh largest economy, then Washington, the original company town, can start throwing out its grits and Gideons because the Gipper may win this big one.

I ask unanimous consent that those articles be printed in the RECORD.

There being no objection, the articles were ordered to be printed in the RECORD, as follows:

**CAN AN EX-GOVERNOR HANDLE FOREIGN
POLICY?**
(By Stephen S. Rosenfeld)

A brief memoir: a few days after Jimmy Carter announced for president in 1974, I called him up—an aide named Jurdan, something like that, got him out of a shower in San Francisco—to ask whether a mere ex-governor could handle international affairs. He said sure and I went on to agree that the next president needn't be, and perhaps shouldn't be, a foreign policy expert, and suggested that he could rebuild foreign policy first at home.

In a superficial sense, this was wrong. Many of Carter's frustrations have arisen from his innocence and inexperience and the ways he sought to compensate. But in a deeper sense, it was perhaps wronger. The expectation that Carter would solidify a domestic base has not been fulfilled. He has neither assembled a workable domestic consensus for a liberal policy nor assuaged widespread security anxieties nor gotten on top of the policy-making process in Washington.

This brings us to Ronald Reagan, who, after the Illinois primary, must be accepted as possibly the next helmsman of American foreign policy. Once again, the question is whether an ex-governor with no national security experience can do the job.

Frankly, I have never been one of Reagan's fans. I have always identified him with the hard-core right: a jingoistic anti-communist carelessly offering simplistic military-oriented solutions to complex global problems. He is not subtle. He is not cool.

None of this is comforting. Yet in view of what has happened since 1976, it would seem necessary to ask if Reagan's conservative boosterism promises to be any less effective or reliable a guide to policy than the liberal guilt that was so prominent in Carter's baggage in the last campaign. I say this not because I think one is more cynical and opportunistic than the other. But Carter's initial approach did not produce results that either the public or—ultimately—he himself found acceptable, and so he reversed field, especially on the critical Soviet issue.

What results would a hard-line Reagan approach produce? How would he react if the results were disappointing? If we have learned anything in the last four years, it should have been to demand that our leaders respect the jagged orneriness of events and not simply follow the seamless contours of their own ideologies and hopes.

For just this reason, it's fine by me that Reagan was, as reported, generally bland and unspecific in his "major" foreign policy address in Chicago this week. That beats telling us how many troops he's going to pull out of an allied country he has neither consulted nor been briefed on. The details come later. And if, as Lou Cannon reported, the speech's "new conciliatory tone . . . was designed to show that he is not a warmonger," that's fine, too. That's just what he needs to show.

But the Chicago speech was more interest-

ing for the "broad requirements" of foreign policy that Reagan listed. His first was "a clear vision of, and belief in, America's future," by which he means faith in American capitalism as the engine of our progress and as a potential model for others. A conservative cliché? Perhaps. But it's worth more than a liberal cliché in response. Not many Democratic hearts may go pitter-patter for Reagan's eminently Republican vision. But though it's arguable, it's not outrageous. There's something to be said for cheering one's system on—and making it work better. The relationship of free enterprise to political liberty is not accidental. Let's hear more.

Reagan's second foreign-policy "requirement" is a strong economy, which he would achieve by unleashing free enterprise. I leave the heavy economic lifting to others. But surely, given the debris around us, it makes sense to ask why, say, Germany and Japan can import far more of their oil and yet not suffer nearly as much inflation. And so on. Carter in 1976 suggested that an ethical or social regeneration was the proper base for rebuilding foreign policy. Reagan suggests economic regeneration. Who disagrees?

If Reagan really wants to convince people that he's not a warmonger, then he's right to keep his third priority—a strong defense, "adequate military power"—third. He asserts that his positions on foreign and defense policy are generally closer to the majority view in Congress than Carter's are. Carter, to be sure, has been moving right, especially since the Soviet invasion of Afghanistan. But whatever Reagan would do in national security, he does not labor under Carter's burden of having to prove he's not soft.

I am not simply trying here to be "fair" to Ronald Reagan. I am trying to figure out who can best take us where we want and ought to go in the world. People who dismissed Reagan out of hand in the past cannot avoid taking a second look now.

REAGAN MAY GET HIS CHANCE

(By Mark Shields)

Andy Robustelli, the home-town legend who used to spend autumn Sunday afternoons putting opposition running backs on the injured reserve list and himself in the Football Hall of Fame, introduced the presidential candidate.

John Davis Lodge, Henry Cabot's younger brother, who proved that pre-war performances on the back lot at Paramount in epics like "Murders at the Zoo" and "Queen Cargo" were not sufficient to disqualify him for election as Connecticut's governor in 1950, accompanied the candidate.

And the candidate, on the same day that Illinois Republicans were strongly endorsing him in their primary, did not disappoint Davis or Robustelli or anyone else in the lunch crowd at Laddin's Terrace in Stamford. That is, unless the canny Bob Strauss had a scout in the audience for the president's reelection committee. Because a scouting report would stop all the reported salivating at Carter headquarters over the probable November match-up with Ronald Reagan.

Reagan, the wise money around Washington tells us, is Jimmy Carter's guaranteed ticket to a second term. Reagan, with his narrow true-believer constituency, will be another Barry Goldwater. All Jimmy Carter has to do between now and Nov. 4 is be, and be seen as, the reasonable alternative. This July, the wisdom goes, the Republican convention at Detroit will be the world's largest kamikaze charter.

Running presidential campaigns by historical analogies can be very risky. Ronald

Reagan is not Barry Goldwater. 1980 is not 1964. Then, the principal resentment with the Democratic president's policies was among white southerners. This year, resentment is not regional. Inflation has no fixed address and is limited to no one time zone. Reagan won twice in California with Democratic votes and his campaign's message in Connecticut indicates that will be his general election strategy this time.

What other campaign can boost that its candidate signed into law the "toughest water pollution control laws in the nation" and a 20 percent cut in "the oil and gas depletion allowance"? Reagan's own campaign literature trumpets his record as governor, he "increased welfare benefits to the truly needy by an average of 43 percent" and "granted annual cost-of-living increases to Aid to Families with Dependent Children recipients, the elderly and the infirm. . . ." This, of course, is the same candidate who tells his audience about cleaning up the welfare mess in Sacramento, where, when he became governor, "16 percent of all the welfare cases in the country were in California."

This emphasis of the Reagan campaign seems to have grasped an essential truth in American politics and the electoral problems of conservatives. American voters are compassionate people who want to be able to think of themselves as compassionate. But at the same time, and to the same degree, American voters do not want to be taken for suckers by those who, they believe, are collecting from government programs for which they are not eligible.

In his Connecticut campaign, Reagan is responding to both impulses. He is telling voters that they can be simultaneously tough and compassionate, that they do not have to be defensive about objecting to rip-off programs. Too many unsuccessful conservative candidates have failed to address the compassion in voters' character and simply scratched the mosquito bite of their rage at being exploited.

What Bob Strauss and his colleagues in the Carter campaign should be concerned about is that in this year's primaries Reagan has consistently and overwhelmingly won that group of voters earning between \$10,000 and \$15,000 a year. If Ronald Reagan, the unchallenged tribune of working-class values, can perfect this message, he might very well be able to steal the base of the Democratic vote away from Jimmy Carter.

There are little signs of this in the Reagan speech to a majority Catholic crowd in Stamford. His Kemp-Roth tax-cut plan is the lineal descendant of what President John Kennedy ("over the objections of his economic advisers") proposed in 1963. It worked then and it can work again. Reagan avoids the verbal lodge handshake of Republicans by using the adjective "Democrat" to describe the opposition party. He apparently understands that when Republicans drop the "Ic," it is almost as much of an insult as someone telling the neighborhood nun that he admires the work of the "Roman" church.

For voters who are voluntarily on the taxi squad of the Democratic Party, one element of the Reagan message is especially appropriate. Since Vietnam, the prevailing values of the majority party have been based on the premise that it is acceptable to be rich, it is virtuous to be poor and the only sin is to be in the middle class—you know, all those Archie Bunker types who go to bowling banquets and think ERA means earned run average.

In Connecticut, the Reagan campaign has welcomed these people with hospitality and honor. Not only John Davis Lodge, but Andy

Robustelli and a lot of people who never played in Yankee Stadium are in the Reagan campaign. Of his 300-member state steering committee, 71 are Italian-Americans, as are four of the six statewide coordinators—and one of the other two is a female state senator who is an advocate in the legislature of the pro-choice position on abortion.

For these people and their families, the Reagan answer to a Democratic president who foresees a generation of sliding expectations is "to build a bigger pie." According to voter polls in the primary states, Carter is winning an overwhelming majority of the voters who believe a president cannot really do anything about inflation or the economy. In a reversal of historic roles, this year it is the Republican candidate who is telling voters that we can lick inflation and that tomorrow can be a lot better than yesterday. It is impossible to imagine the Carter campaign recycling the last successful incumbent's battle cry of "Four More Years."

If the Carter people can succeed in portraying the California conservative as someone too old or too impulsive to manage the nation's foreign policy in dangerous times, someone who would equip every second lieutenant with his own nuclear warhead, then the president and his stewardship will not be the pivotal issue this fall. Reagan will be the issue. And if that is the case or the popular perception, Jimmy Carter will probably be reelected regardless of economic conditions. But if the Reagan campaign can persuade voters that its man is a decisive, effective leader who successfully governed the state that is our most populous and that, on its own, would be "the world's seventh-largest economy," then Washington, the original company town, can start throwing out its grits and Gideons, because the Gipper may win the big one.

Mr. ROBERT C. BYRD. Mr. President, I yield back the remainder of my time, if I have any.

Mr. STEVENS. I similarly yield back the remainder of my time, if I have any.

VITIATION OF ORDER FOR RECOGNITION OF SENATOR DOMENICI

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the order for the recognition of Mr. DOMENICI be vitiated.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

ROUTINE MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, there will now be a period for the transaction of routine morning business for not to exceed 30 minutes, with statements therein limited to 5 minutes each.

MODIFICATION OF TIME LIMITATION AGREEMENT—S. 1946

Mr. ROBERT C. BYRD. Mr. President, a proposed change in the time agreement dealing with Calendar Order No. 502, S. 1946, dealing with railroad regulation, has been reached and agreed to among various parties. I ask unanimous consent that there be 1½ hours, equally

divided, on an amendment by Mr. TOWER dealing with reopening rate incentive cases; provided that the Tower amendment not be called up prior to disposition of the Long amendment on transportation rates and the Cannon substitute to the Long amendments.

Mr. STEVENS. There is no objection, Mr. President.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. ROBERT C. BYRD. Mr. President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

ORDER OF PROCEDURE NEXT WEEK

CONFERENCE REPORT ON H.R. 3919

Mr. ROBERT C. BYRD. Mr. President, I had urged, on the day before yesterday, I believe, that efforts be made to reach a time agreement for a final vote on the windfall profit tax. The distinguished Republican leader (Mr. BAKER) indicated that he would take up this matter at his Republican policy conference on Tuesday. I expressed concern that the Senate should be forced to wait that long for a time agreement. The distinguished Republican leader indicated that, in the meantime, he would pursue efforts to reach an agreement, hopefully before Tuesday. May I inquire as to whether or not the distinguished acting Republican leader knows of anything that would indicate that efforts are being made to reach an agreement before Tuesday and, if so, what prospects will there be?

Mr. STEVENS. Mr. President, I say to my good friend that I did discuss the matter yesterday with the Senator from Oklahoma. I also am one of those who believes that we should explain fully our opposition to this conference report. Senator BELLMON and I have both indicated to the minority leader that we would be prepared to enter into an agreement next week for a vote. I hope that it will be sometime around Thursday, in order that people who are involved in various campaign efforts might return.

It was my understanding that the minority leader wished to discuss the subject at length in our conference, which is scheduled for Tuesday. Several of the principals involved in this discussion are not in town today and it is not possible for me to confirm that there will, in fact, be an agreement.

I can state to my good friend, the majority leader, that it is my belief that we shall be prepared to offer a unanimous-consent agreement for a vote, without the necessity of a cloture motion, some-

time on Tuesday afternoon, following our conference.

Mr. ROBERT C. BYRD. Mr. President, I thank the distinguished acting Republican leader. I have no doubt that he and the Republican leader will attempt to do that, even though I realize the distinguished acting leader is probably opposed to the conference reports; nevertheless, he is always willing to see the legislative process run its proper course and let the will of the Senate be heard. I am confident that he and Mr. BAKER will pursue their efforts to get agreement.

I also have heard indications directly from Mr. BELLMON and Mr. DOLE on the floor that they are willing, at some point in time, to vote on this matter and there is no desire to have a filibuster. In view of the fact that these efforts are being made, I shall not offer a cloture motion today.

I was prepared to offer one yesterday and had discussed the matter with Mr. LONG, the manager of the bill. Mr. LONG was agreeable to my offering the cloture motion at any time I am disposed to offer it. When he last talked with me, he said he was in perfect agreement to offering the cloture motion yesterday or today or Monday—whatever.

I always prefer to see things work out in an agreeable fashion and I think most times, it can be done more smoothly if we avoid the cloture route. However, I am not guaranteed, even by the good-faith efforts of Mr. BAKER, Mr. STEVENS, Mr. BELLMON, and Mr. DOLE, that there will be an agreement on Tuesday. I shall, therefore, feel constrained on Monday to offer the cloture motion. The vote would not occur on it until Wednesday, anyhow. This would give us time on Tuesday to see if an agreement could be worked out, in which case, the cloture vote could be vitiated. I prefer not to do that, even, but by virtue of the fact that I cannot be guaranteed an agreement on Tuesday, I shall have to offer the cloture motion on Monday. I do not want to do that.

Mr. STEVENS. Will the Senator yield?

Mr. ROBERT C. BYRD. Yes.

Mr. STEVENS. Mr. President, as the acting minority leader, I can certainly understand the majority leader's position and the procedure he has outlined is eminently fair, from the position he is in, in seeking to get a vote on the conference report. I am grateful to him for not offering that motion today. I do think it will give us Tuesday to consider the matter without the pressure of a vote immediately after that conference. It will facilitate, I think, the agreement to a final vote on the conference report sometime near the time I have indicated.

Mr. ROBERT C. BYRD. I thank the distinguished acting minority leader.

ORDER FOR RECESS TODAY UNTIL MONDAY,
MARCH 24, 1980

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that when the Senate completes its business today, it

stand in recess until the hour of 12 o'clock noon on Monday.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

ORDER FOR RECESS ON MONDAY UNTIL 9:30 A.M.
ON TUESDAY, MARCH 25, 1980

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that, when the Senate completes its business on Monday, it stand in recess until the hour of 9:30 a.m. on Tuesday.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

ROTH RESOLUTION

Mr. ROBERT C. BYRD. Mr. President, I am authorized by the order entered into to call up the Roth resolution. I am not mandated to call it up by that order, but I am authorized to call it up and I will call it up, because it was the understanding that it would be called up. I am authorized to call it up after consulting with the minority leader or the acting minority leader, whichever is the case, no later than next Tuesday. I should be very happy to call it up on Monday and dispose of it on Monday if the parties are agreeable. If Mr. ROTH, the sponsor of the resolution, is agreeable, I shall be very happy to call it up on Monday, or I can wait until Tuesday. If we do not call it up on Monday, it will be called up on Tuesday.

Mr. President, it would be the intention of the leadership to finish action on the Roth resolution Tuesday. There is a time agreement and it may require a long day on Tuesday. Hopefully, it will not.

But it is possible that the debate will go on quite at length, and possible that the full time under the agreement could be utilized.

May I ask the Chair to remind the Senate of the provisions of that agreement?

The ACTING PRESIDENT pro tempore. The clerk will read the agreement.

The assistant legislative clerk read as follows:

Ordered, That the Majority Leader, after consultation with the Minority Leader be authorized, not later than Mar. 25, 1980, to call up S. Res. 380, expressing the sense of the Senate relative to the first concurrent resolution on the Congressional budget for 1981, and that when he does so, debate on any amendment in the first degree shall be limited to 1 hour, to be equally divided and controlled by the mover of such and the manager of the resolution, the Senator from Delaware (Mr. Roth), debate on any amendment in the second degree shall be limited to 30 minutes, to be equally divided and controlled by the mover of such and the manager of the resolution, and debate on any debatable motion, including a motion to reconsider following final action on the resolution, appeal, or point of order which is submitted or on which the Chair entertains debate shall be limited to 20 minutes, to be equally divided and controlled by the mover of such and the manager of the resolution: *Provided*, That in the event the manager of the resolution is in favor of any such amendment or motion, the time in opposition thereto shall be controlled by the majority leader or his designee: *Provided*

further, That no amendment that is not germane to the resolution as introduced or to a first concurrent resolution on the budget for fiscal year 1981 shall be received.

Ordered further, That on the question of agreeing to the said resolution debate shall be limited to 8 hours, to be equally divided and controlled by the Senator from Delaware (Mr. Roth) and the Senator from Maine (Mr. Muskie): *Provided*, That the said Senators, or either of them, may, from the time under their control on agreeing to the said resolution, allot additional time to any Senator during the consideration of any amendment, debatable motion, appeal, or point of order.

Ordered further, That a motion to recommend or to table the said resolution shall be in order.

Ordered further, That no point of order against the resolution itself under the Budget Act shall be in order.

ORDER FOR CONVENING OF THE SENATE,
MARCH 25, 1980, AT 9 A.M.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the time for the convening of the Senate on Tuesday be changed from 9:30 a.m. to 9 a.m.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. ROBERT C. BYRD. Mr. President, as I say, that debate could go late into the evening. But it will be the intention of the leadership to finish that resolution if it takes all day until midnight that night to do it, or beyond, because I want the Senate to act on that measure, and I want the Senate to act on the excess profits tax conference report, and I want to afford all the time that is reasonably necessary for those who wish to debate the tax conference report.

But I am told that some of those who want to debate the conference report are out of town today, and it would be a good day to debate the conference report.

I would be very willing to come in tomorrow if there were Senators who wished to come in tomorrow to debate it.

If any Senator wishes to come in tomorrow to debate the conference report, I hope the respective cloakrooms will so inform me and the Senate will come in tomorrow to debate the conference report.

ORDER FOR RECESS TO 9 A.M. TOMORROW

Mr. ROBERT C. BYRD. Mr. President, as a matter of fact, I ask unanimous consent that when the Senate completes its business today, it stand in recess until 9 a.m. tomorrow, with the understanding that I can personally vitiate that request if no Senator asks me to come in tomorrow to debate the conference report.

The ACTING PRESIDENT pro tempore. Is there objection?

Without objection, it is so ordered.

Mr. ROBERT C. BYRD. If I get no request from any Senator to debate the conference report, I will vitiate the request before the day is over.

I doubt that the lights will be on in here tomorrow on Senate activities. But if any Senator on either side of the question, or either side of the aisle, wishes

to come in tomorrow to debate the conference report, I will be here and the Senate will be in session. Otherwise, the Senate, at the close of business today, will go over until Monday.

ORDER FOR RECESS FROM SATURDAY, MARCH 22, 1980, TO MONDAY, MARCH 24, 1980

Now, in the event a Senator wishes to debate, or Senators wish to debate, the conference report tomorrow, the Senate will be in; in which case, I ask unanimous consent that when the Senate completes its business tomorrow, if it is in session tomorrow, it stand in recess at the close of business tomorrow until the hour of 12 noon on Monday.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. ROBERT C. BYRD. Mr. President, I would hope then that an agreement could be reached on Tuesday, which would allow for the setting of a time and date for a vote on the conference report, and I have a great deal of confidence that such an agreement will be reached because I know efforts are being made to that end, and they are efforts in good faith.

But I would also say that if that agreement is not reached on Tuesday, then I will be forced, by virtue of my reluctantly having offered the cloture motion on Monday, the Senate will be forced to vote on the cloture motion on Wednesday. In which case, there would be repeated cloture votes each day until such time as cloture is gotten, even if it takes many days, which I would not anticipate being the situation.

ORDER TO VITATE ORDER FOR SESSION ON TOMORROW

Mr. ROBERT C. BYRD. Mr. President, lest there may be some feeling that I have taken advantage of the situation in which there is only one other Senator in the Chamber, that one being in the Chair, I ask unanimous consent that the order with respect to a possible session on tomorrow be vitiated.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

CONCLUSION OF MORNING BUSINESS

Mr. ROBERT C. BYRD. Mr. President, I ask that morning business be closed, if no other Senator wishes to conduct further morning business.

The ACTING PRESIDENT pro tempore. There being no further morning business, morning business is closed.

WINDFALL PROFIT TAX ACT OF 1980—CONFERENCE REPORT

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will now resume consideration of the pending business, the conference committee report on H.R. 3919, which the clerk will state.

The assistant legislative clerk read as follows:

A conference report on H.R. 3919, an act to impose a windfall profit tax on domestic crude oil.

The Senate resumed consideration of the conference report.

Mr. ROBERT C. BYRD. Mr. President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

ORDER FOR RECESS UNANIMOUS-CONSENT AGREEMENT

Mr. ROBERT C. BYRD. I now make the request as follows:

I ask unanimous consent that when the Senate completes its business today, it stand in recess until 9 o'clock tomorrow morning or 12 o'clock noon on Monday next, whichever the majority leader may deem fit, after consultation with the acting Republican leader; that a session tomorrow be had only if there is a request from at least one Senator who may wish to debate the windfall profit tax bill. The Senate will not be in to debate other things, but may debate only the windfall profit tax bill—if the Senate comes in.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. ROBERT C. BYRD. In this way, I will be allowed to recess over until tomorrow, only after consultation with the acting Republican leader, and only on one condition: that a Senator who feels it to be absolutely necessary, in the best interests of the Nation, that he be allowed to speak out, so that his voice may be heard from the Atlantic to the Pacific, may be able to use his oratorical, persuasive talents to convince the Senate and/or the Nation that his view is in the national interest with respect to the conference report. Only in that event will there be a session on tomorrow.

I think that is fair. I do not believe I have taken any advantage of the absence of other Senators. I have stood here, and I am willing to protect the interests of all, on both sides of this question. I will have nothing happen to it while Senators who wish to debate this conference report are out of town and are away. Or, if they are not out of town—if they are in their offices, busy in committee meetings, perhaps—I will not let anything happen that will prejudice the rights of any Senator on either side of the aisle, on either side of the question. I will stand here until I can no longer stand on my feet, until I have dropped to this carpet, limp, and until the last breath has left this body

of clay, to protect the interests of my colleagues in this conference report.

This is a burning issue, this conference report, and there are Senators who wish to debate it at length. It will be my desire to protect their interests and to come in tomorrow, if need be, to stay as long today as they may wish to talk, if they wish to take advantage of the so-called rule allowing "unlimited debate" in the Senate.

Also, we could be here all day tomorrow. I would even be willing to cancel my press conference tomorrow, if necessary, and we could go into the evening tomorrow and debate the conference report on the windfall profit tax; and I would listen with bated breath, as I am sure others would, to what may be said in support of or in derogation of this conference report.

It wounds my heart to believe that we may be rushing to a decision on this conference report without allowing adequate time and opportunity for Senators to come to the floor and speak on the conference report. I do not like to see legislation rushed through the Senate in that fashion.

So I will do everything I can under the rules—I will not violate any law—I will to anything I can under the rules to protect the interests of those Senators who feel bound and compelled to debate the conference report; and I hope we will be in session a long time today. I am sorry to have to say that this might inconvenience the representatives of the fourth estate, but so be it. The public must hear what must be said by the elected representatives of the people. So we may be in a long time today, if Senators wish to discuss this matter.

I have eaten at the table late in the evenings many times. I have known the experience of having a midnight supper on a few occasions. But, painful as it would be, I would be willing to do this, if Senators wished to speak all day today, into the evening, and then begin early tomorrow, and throughout the day of Saturday. Saturday is only the sixth day, not the seventh—at least, so far as the Senate is concerned.

So we could debate the matter on tomorrow, and then on Monday we could come in earlier than 12. I have the time set for 12 o'clock noon. If any Senator wishes me to bring the Senate in earlier on Monday, I wish our cloakrooms would advise me, and we will come in earlier. We could come in at 9 o'clock. I am a 9 o'clock fellow in a 10 o'clock town, but we could come in at 9 on Monday, and we could stay late on Monday, late into the evening.

Regrettably, on Tuesday, we will not be able to debate this conference report, because the Senate will be considering the Roth resolution. But on Wednesday, I hope we will either vote for cloture or have an agreement that will allow for a final vote.

I can see from the youthful face of the distinguished Senator from Okla-

homa (Mr. BOREN), who presides over the Senate today with a degree of skill and dignity and efficiency that is so rare as a day in June, that he is in full accord with everything I have said. He is willing to debate this matter, also.

I do not often make speeches on the floor, and I do not often talk long, but I just thought I would take the occasion to assure my colleagues who wish to debate the conference report that now is the time. Time is eternal; and even though it inconveniences the fourth estate, the Senate will be in session if Senators wish to discuss the conference report.

People are sitting on the edges of their seats in the galleries, waiting for this debate to break out, waiting to hear those who wish to excoriate the conference report and those who wish to report it, and I hope Senators will not disappoint them.

Mr. President, having said that—I do not feel that it is good to be repetitious too often—I take my Chair and suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

THE UNITED STATES SENATE

Mr. ROBERT C. BYRD. Mr. President, in 1989, the Senate will have reached its 200th anniversary.

The first Senate met in 1789, and over a month elapsed before a quorum was established. For the first 5 years of the Senate's existence, it met behind closed doors.

The Senate upon establishing a quorum appointed a committee of five to recommend rules for the Senate, and the committee of five recommended 19 standing rules that the Senate adopted on April 16, 1789.

They were approved and since that year of 1789 the Senate has operated with but a few rules. They have varied from time to time and in one form or another most of the original 19 rules are still among the current 50 standing rules of the Senate.

Like the common law, the Senate operates largely on the basis of precedents that have been built up over the intervening years, and those precedents are compiled in a book entitled "Senate Procedure." There are 1,040 pages in that book of procedure, including the appendices but not the index.

Now those precedents largely guide the Parliamentarian as the Parliamentarian advises the Presiding Officer of the Senate.

The Senate, unlike the House of Representatives, is made up of two Members from each State. There being 50 States, there are 100 Senators.

The Senate, unlike the House of Rep-

resentatives, has its Presiding Officer chosen by the people of the United States. The Presiding Officer of the Senate is the Vice President of the United States. And in the other body the Speaker, who is the presiding officer, is chosen by the elected representatives of the people in the other body. The Speaker of the House of Representatives does not have to be a Member of the House of Representatives. But there has never been a time when the Speaker chosen was not a Member of that body.

In the Senate, in the absence of the Vice President of the United States, the President pro tempore presides over the Senate. The President pro tempore is chosen by his colleagues and he is chosen to serve until he is replaced.

The majority leader of the Senate has to be chosen every 2 years. The majority whip, the minority leader, the minority whip, the other members of the leadership on both sides of the aisle are chosen every 2 years. The President pro tempore is not necessarily chosen every 2 years. He may serve his full 6-year term if not replaced by his colleagues in the meantime.

The Democrats sit on this side of the aisle; the minority sits on that side of the aisle, the Republicans at the present time.

There is one independent in the Senate and that independent is the Senator from the State of Virginia, HARRY FLOOD BYRD, JR., with whose illustrious father I served in the Senate.

So at the present time there are 58 Democrats, one independent, and 41 Republicans.

The Senate operates largely on the basis of unanimous-consent agreements, comity, courtesy, and understanding.

The House of Representatives has a more complicated set of rules and has more rules than the Senate.

As I say, the Senate is a body in which debate is said to be unlimited but it can be cut off by cloture motion. Unlimited debate is sometime referred to as a filibuster. There have been several filibusters in the history of the Senate. I once engaged in one myself. I spoke 16 hours, beginning at 6 o'clock, give or take a little, on one evening, and winding up my statement on the next day at about 10 o'clock in the morning.

Others have spoken longer. But there is a legislative tool which can be invoked to stop filibusters. That is rule XXII. Under rule XXII, which is the cloture motion rule, cloture today requires 60 Senators to shut off debate.

A Senator can stand on his feet as long as he wishes to stand, and talk. He can stand 2 days, 3 days. He has that prerogative, that privilege, to stand on his feet. But he is not allowed to sit down and speak except by unanimous consent.

He is not allowed to walk off this floor or he will lose the floor unless he does so by unanimous consent.

We have not had a filibuster for a while, and I hope we will not have one soon.

I say bills may originate in either body. Bills become law after passing both bodies precisely with the same language, being signed by the Speaker of the House and the Vice President of the United States, the President pro tempore or the Acting President pro tempore, sent to the President and signed by the President or if the President does not attach his signature they become law without his signature after 10 days have passed.

Joint resolutions perform the same purpose. They become law also if passed by both houses, are signed by the President or allowed to become law without his signature after 10 days.

Concurrent resolutions, however, are resolutions which deal with the business only of the two houses, the House and the Senate. A motion to adjourn is usually effectuated by a concurrent resolution originating in either body, going to the other body, and being adopted. As I say, it controls the business between the two houses.

A simple resolution is a Senate resolution which governs only the Senate itself or a House resolution which governs only the House. Those are housekeeping resolutions.

Thousands of bills are introduced every year in every session and in every Congress, but only a few hundred bills and resolutions finally become law.

The legislative process is based on the committee system. We have standing committees in the Senate, each committee having jurisdiction over certain subject matter, and each committee handles certain types of bills.

Committees conduct hearings on the bills, may report the bills unfavorably to the Senate or favorably; may amend the bills, may kill the bills.

When bills are reported to the Senate they are placed on this calendar of business and they are called up in due time, if at all, by the majority leader, and debated, and in many instances unanimous-consent agreements are gotten thereon so that there is a certain amount of time for debate and a certain amount of time for each amendment, and so on. (Mr. HEFLIN assumed the chair.)

Mr. ROBERT C. BYRD. The Members of the Senate serve 6 years; Members of the House serve 2 years. If a Member of the House dies, the Governor of the State cannot appoint a Member of that body to fill the vacancy. There never has been a Member appointed to the other body.

In the Senate, if a Member dies or retires, the Governor of the State can appoint another person to fill that vacancy until the next election.

If the President vetoes a bill or a joint resolution, that bill can still become law if both Houses override the President's veto by a two-thirds vote.

In this Government of ours we have three separate, equal, and coordinate branches, the executive branch, the legislative branch, and the judicial branch.

The legislative branch has two equal and coordinate branches, the House and the Senate. The Presiding Officer of the Senate faces the Speaker of the House.

The Speaker of the House faces the Presiding Officer of the Senate. The Presiding Officer of the Senate faces south; the Presiding Officer of the House faces north.

In the Senate for many years we did not have this public address equipment. When I first came to the Senate we did not use it. We spoke louder. People could hear us from the galleries. We did not have to have the public address system, and many of us resisted installing the public address system because we thought it would take something away from the Senate, from its tradition, from the dignity of the Senate, and so forth.

But it is best that we use these. We can be heard in our own offices so that at any time when there are schoolchildren in the galleries and they may wonder where their Senators are, why this Chamber is so empty, they may be assured that Senators are in their offices listening to what is being said or in the committee listening to what is being said. So it is a convenience to have this system.

I have advocated for a long time that we have electronic voting in the Senate. Back in the West Virginia House of Delegates where I once served we vote by pushing a little button. If we vote against we vote "no," and a red light shows on the wall. If we vote "aye," a green light shows.

Here in the Senate we do not have that electronic voting because we only have 100 Members and we can call the roll, the clerk can call the roll, in 15 minutes or 10 minutes, and Senators answer to their names or if the roll is completely called they may still vote. A Senator can vote until such time as the Chair announces the vote. Once the Chair announces the vote no Senator can vote.

The Senate, I think, is the greatest deliberative body in the world. It is the forum in which the States are represented equally. New York and California with their huge populations are represented equally with West Virginia with its population of less than 2 million. It has the same number of Senators that the State of New York has, the State of California has, and the State of Texas has. So each State has equal representation in the Senate.

In the other body the representation is based on the population of the States and according to a very complex formula of apportionment.

You will notice that in the Senate, over the Presiding Officer, are the words "E Pluribus Unum." I am told that means "All for one and one for all."

To my left over the Chamber door, are the words "Novus Ordo Seclorum." I am told that that means "A new order of the ages."

Over to my right are the words "Annuat Cooptis." I am told that that means "God is always watching over us."

And behind me are the words "In God We Trust."

So here on the walls of this Chamber are inscribed the words which indicate that running throughout the history of this country—and we find words all over the buildings and monuments and me-

morials in Washington—the men and women who founded this country believed in a divine being.

If we take a look at our \$1 bill—and there went a quarter and a nickel and a dime on the floor. I will get them. I have one grandson who collects nickels. I must not let that nickel get away. I have another one who collects dimes and a couple of granddaughters who will take anything I give them, nickels, dimes, or quarters, whatever it may be.

Well, on this dollar bill, we find a picture of a pyramid, but we note that the top of the pyramid was never finished. And also we see over the top of that pyramid a picture of an eye. And on that we also see the words "annuit coeptis," "novus ordo seclorum," and "in God we trust."

I wonder why that pyramid was not finished. It was meant to remind us that our work is never finished as we serve this Republic. Our work is never done. And, therefore, again, we are reminded that an all seeing eye is always watching over this Nation. That is the purpose of the eye that we see on the dollar bill. And we are reminded that He doth bless our undertakings and that this Republic and this system does represent a new order of the ages.

Well, I see that my friend from Oklahoma seeks to conduct some morning business, so for the time being I will relent and relinquish. But suffice it to say that as long as the people have the U.S. Senate, as long as they have Congress—Congress is made up of both bodies. The Senator from Oklahoma is a Member of Congress. He is a Member of the Senate. Many people think of the Congress only as the other body. But Congress is made up of both bodies.

As long as the people have the Congress, they will have a republic. Without the Congress, as Franklin Roosevelt said, ours would cease to be a republic.

Congress is much maligned. It is a moving target. It is a faceless target. It is convenient. The cartoonists have always lampooned the Congress. The columnists have always lampooned the Congress.

People do not see it as an individual. They see it as a mass of individuals. There are 535 Members in these two houses; 100 here, 435 over there.

They see the President of the United States as a person, as an individual. They see the Senator from Oklahoma as an individual. The people of Oklahoma see him as their Senator, an individual. The people of Alabama see the distinguished Senator who now presides over the Senate, Mr. HEFLIN, who is formerly the chief judge of the Supreme Court of Alabama, as a Senator, as an individual.

They see the Senate and they see the Congress as just a mass of people. They do not criticize their individual Senators so much. Some do. But they are not as likely to criticize the individual as they are a mass of individuals.

So the Congress is the butt and the target of unfair criticism and sometimes the target of fair criticism.

We hear so much about Congress rating so low in the polls. Well, that is one of

the reasons why. People just associate Congress as a mass of individuals. Unfortunately, some of us do not conduct ourselves in a way that would bring credit to the Congress. But, in the main, the great majority of the Members of both Houses are high-type individuals who are just as patriotic as anyone else is patriotic. They come from all walks of life.

I once welded in a shipyard. I once worked in a meatmarket; so did Shakespeare. He worked in his father's meat shop. And I play the fiddle; so did Thomas Jefferson. Some of us are coal miners, some are farmers, some are businessmen, some are ministers, and some are lawyers. We come from all walks of life. And we are just as good and just as bad as the people in all walks of life.

In the main, they have a higher public trust, though. They have a higher responsibility than does the average citizen. They have a public trust. And we should be held to higher standards.

But it is easy to criticize the Congress, and I am not bemoaning that fact. That is just a fact of life. I suppose Congress has been criticized in every age and in every era and in every season throughout its history.

But you go down there and ask that person, who is retired and on social security, who passed the social security laws in which he gets his monthly benefits? The Congress.

Go out and ask the veteran who passed the laws for his disability benefits or his GI education benefits? The Congress.

Talk to all walks of life. Ask the coal miner who made it possible for him to sit down and bargain collectively with management about his working hours, his wages, and his living conditions? Congress passed the laws.

So it is easy to just follow the herd instinct and criticize the Congress because everybody else seems to do it. But when one stops to think, Congress is just what the people make it.

I have found, may I say to the Presiding Officer, the Senator from Alabama, that people who usually grouse first, last, and most are the people who do not bother to go and vote on election day.

I often pride myself as one who has unlimited patience. But I see that the Senator from Oklahoma has had great patience today. As always, he has that smile that wins friends for him in the Senate and wins friends for him in Oklahoma. He is an inspiration to work with and a very pleasant colleague and a very effective one.

I apologize to him for taking so much time here. But I thought that, while no Senator has shown up to debate the conference report on the windfall profit tax, I would just take this occasion to reminisce a little about the Senate.

I would like to talk more about it. I can go on and on and on, like Tennyson's brook, talking about the Senate.

We used to have cupspiders in the Senate. We do not have them anymore. Not many Senators chew tobacco.

There have been Senators who have been arrested on this floor for carrying guns. Back during the days of Martin Van Buren when he was presiding over

the Senate there was a certain Senator who did not like Martin Van Buren and that Senator tried to engage Martin Van Buren in an argument, I suppose hoping to provoke the Presiding Officer. Later, the Senator was found to have been carrying a gun and he was arrested.

Senators have challenged other Senators to duels, and upon more than one occasion a Senator or Member of Congress has been killed in a duel.

There have been Members of Congress who have killed others in duels. At least in one instance I know of a President of the United States who shot another man in a duel and killed him, and a Vice President of the United States who killed a man.

Mr. BOREN. I wonder if the distinguished majority leader might yield to me, and I will say that my unanimous consent request will not bear upon dueling or present any challenge.

Mr. ROBERT C. BYRD. First, Mr. President, I ask that I may be allowed to speak out of order notwithstanding the Pastore rule.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ROBERT C. BYRD. Mr. President, I yield to the distinguished Senator from Oklahoma.

Mr. BOREN. I thank the majority leader. As always, it is a distinct privilege to listen to his words of wisdom. I do not think he has ever spoken with more wisdom and perspicacity than he has today. I am sure that those in their offices have interrupted their other work to listen to our distinguished majority leader today.

I would want to say to him that I hope that our colleagues who are concerned about the pending piece of legislation are meditating on it perhaps rather than speaking. Perhaps that is what is happening, that they are meditating on this piece of pending business.

(At this point Mr. BOREN propounded a unanimous consent request with respect to a star print, which is printed elsewhere in today's RECORD.)

Mr. BOREN. Mr. President, I thank the distinguished majority leader for allowing this interruption. I will again say that as a Member of the Senate it has certainly been my observation that this body performs its work and meets its responsibilities in a much better fashion than it would otherwise because of his able leadership, because of his wisdom, because of his patience in working with the individual Members to move the business of the Senate forward.

Mr. President, I take this occasion to express my appreciation to him and to all of the wisdom which he has shared particularly with the new Members and for his willingness to share with us the benefit of his experience as a Member of the Senate of long standing and as the leader of the Senate. I am very, very appreciative of that and I deem it a great privilege to be able to recognize him as the majority leader of the Senate and to recognize him personally as a Member of the majority party, as my own leader. It is an honor and a privilege to serve with him.

Mr. ROBERT C. BYRD. Mr. President, if the Senator will yield, I would just like to say further that each Member of the Senate has a desk with his name on it. In the other body, the Members do not have desks. There are 435 Members who do not have desks. I might point out that the desk at which I am now standing was the desk of Jefferson Davis, the President of the Confederacy. It is now the desk of Senator JOHN STENNIS, of Mississippi.

Over here is the desk of Daniel Webster.

Senators will note that all these desks have hinges on them and a lid except the one I have just referred to. It has no hinge and no lid. It was the desk of Senator Daniel Webster. The Senator from New Hampshire (Mr. DURKIN) presently sits at this desk.

Senators used to have snuff boxes. Many of the Senators in the olden days used snuff, Copenhagen or whatever. And they had the old quills with which to write. We still have the little containers. I think it is sand that is in that container. In the olden days when we did not have the fountain pens that we have today they used quills. There is still the ink container. They would dip the quills in the ink containers and write on their paper, and then this sand would blot the ink.

But the Senate has changed a little bit over the years. The old order changeth. Each day Senators have on their desk the CONGRESSIONAL RECORD. That CONGRESSIONAL RECORD has in it the proceedings of the previous day. On one day the House of Representatives will have the first part of the RECORD, followed by the Senate. The next day the Senate will have the first part of the RECORD, followed by the House.

In the back of the RECORD is the Daily Digest which is information as to the program for the day, as to what occurred the day before, as to what the program for the following day will be, what bills were introduced, what resolutions were introduced, what actions were taken on these measures, and so on. So it is a very convenient textbook for those who read it.

Now that the distinguished Senator from New Mexico (Mr. DOMENICI) has arrived in the Chamber, I have a feeling that he wishes to discuss the windfall profit tax conference report. I will desist until a later date from talking further about the Senate.

Mr. DOMENICI. Will the Senator yield for a unanimous-consent request?

Mr. ROBERT C. BYRD. I yield the floor.

Mr. DOMENICI. Since we are talking about how we do business and what our history is, I ask unanimous consent that Paul Gilman of my staff be granted the privileges of the floor.

The PRESIDING OFFICER. Hearing no objection, it is so ordered.

Mr. DOMENICI. This is our way of getting the U.S. Senate to agree to matters. If anyone wants to object, one single Senator can say, "I object" to that kind of request, regardless of whether it be involving a staff member or any diverse matter. It will not be granted.

I arrived here just at the end of the comments of the distinguished Senator from Oklahoma about the leader's very vital role in this deliberative body. I want to join that.

It is very difficult to run a democracy. It is often difficult to run an institution like ours with 100 men and women. You have given a little bit of the diversity in the history of this institution, but no one ought to think that there is not great diversity of opinion, philosophy, ideas, representation yet here today—whether it be a DOMENICI from New Mexico, or a JOHN DURKIN from New Hampshire, or a distinguished leader from West Virginia. It is to our credit and to your credit, Mr. Leader, that with all that diversity and difference of opinion and difficult parliamentary processes, we are still able to get things done.

I want to speak for a while on the windfall profit tax, but I certainly am not in any hurry. If you have other things you want to do or say at this point, I certainly would yield the floor to you.

Mr. ROBERT C. BYRD. Mr. President, I thank the distinguished Senator. I have nothing to say. I am very glad to have Senators appear at this time to discuss the pending business.

I appreciate the comments of the distinguished Senator.

Mr. DOMENICI. I thank the majority leader.

WINDFALL PROFIT TAX ACT OF 1980—CONFERENCE REPORT

The Senate continued with consideration of the conference report.

Mr. DOMENICI. Mr. President, I want to speak for a little while this morning about the pending legislation. Since this conference report has already passed the U.S. House and it is not before the Senate as an ordinary bill, but, rather, as a conference report—which means that Members of our body and the House have sat down and conferred on their differences and resolved them and sent back this conference report—it is not an easy process to try to call to the attention of the Senate and the people of this country what this bill is all about. We cannot amend it here, on the floor; we cannot propose amendments that will point up what it is all about and what some specific revisions in it might mean. We are just looking at the entire package; we vote yes or no.

I wondered what good purpose I could serve here today. I concluded that the best way is to open this short hour or so by the Senator from New Mexico with a letter that I received. It is a very short letter. It is from a lady named Sheila Seifert, of 315 Tyler Road, Northwest, in Albuquerque, N. Mex. She greets me and then says the following, in effect:

This is to oppose the windfall profit tax bill. I cannot believe the entire U.S. House approved this bill. The middle class is going to catch it again, as are the people who are receiving a small sum from royalties. I just cannot believe our great Government is going to be able to take as much as 70 percent of any profits that people like myself, a small royalty owner, might receive.

The Federal Government did it without explaining it in simple language so we lay people could understand. And now, I am told, it is too late.

I cannot believe what I am hearing and seeing. I am totally opposed to this tax, as are many of my friends—who did not understand it until it was apparently too late.

Mr. President, I ask unanimous consent that the letter from this good lady be printed in the RECORD at this point.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

ALBUQUERQUE, N. MEX.,

March 16, 1980.

DEAR SENATOR DOMENICI: This is to oppose the Windfall Profits Tax Bill. I can not believe the entire House approved of this Bill.

The middle class is going to catch it again as are the people who are receiving a small sum from royalties. I just can't believe the government is going to be able to take as much as 70 percent of any profits the people might receive.

The Federal Government did it without explaining it in simple language so we lay people could understand, now it is too late.

I am totally against this Tax as are a number of my friends.

Thank you,

Mrs. SHEILA F. SEIFERT.

Mr. DOMENICI. Perhaps she could have added to her letter that Americans who listen to the political rhetoric about this bill assumed that the big oil companies were going to get taxed and that that did not make any difference, because we ought to tax them because they are making so much money, and it is not going to affect anybody else but them. They are, somehow, going to contribute in taxes \$227 billion over the next 10 years and they should pay that tax; they are the ones who caused all the problems, the rhetoric went on to say, so let us tax them and let us get to the problem.

Well, they may be part of the problem, but the problem of America's energy dependence and the crisis that this great free democracy finds itself in today is that the life blood of our growth—that is, energy, and in particular, crude oil—comes from foreign countries that could not care less what happens to us and this oil comes to us in such quantities that we cannot do without it any longer. We are now in a position where it is true that countries in the world that most Americans cannot even say the name of properly and do not even know where they are already telling the United States, "You do this or we don't sell you any more oil." Or, "You do that and we will raise the price 30 percent more." Or, "You interfere with what we think is right or in any way get involved inconsistent with us and we will just make you cry 'uncle'."

That is true, we are in that position. And there is plenty of blame to go around. But if you have listened to the rhetoric of the last 8 or 9 months, this bill is going to solve all that. The cornerstone of an American energy policy: \$227 billion in taxes, take it from the big oil companies.

The problem is, as we just heard from this one lady in my home city, we are not

going to take it from big oil companies. We are going to take it from hundreds of thousands of royalty owners, who invested just like anyone else who has any kind of investment in this country, large and small. Some Americans have a savings account and they get interest on it. Some have a small business and they work at it and get some money from it. Some Americans buy a little stock in American companies and they expect to make some profit from it.

Well, hundreds of thousands of Americans are going to wake up in a few weeks and some of their royalty checks will begin to disappear. It will come to the Federal Government as part of this \$227 billion energy tax, the so-called windfall.

Let me tell you, that lady who wrote to me and hundreds of thousands of others do not think they are getting any windfall in their royalty checks.

We are very worried about the elderly and inflation. Many of them have a little income coming in from this, that, or the other, and some have a little royalty income. Certainly, they did not understand that they are going to lose 70 percent of their future increases, all in this wonderful spirit of solving an American energy problem and of getting big oil to pay from what many thought was an excessive profit.

Then we find that 85 to 90 percent of all the new oil found in America—and God knows, we have to find more, not less, with 45 percent dependence on foreign countries. The American people would support wholeheartedly a national program that would encourage more, not less, development of American crude oil. And what do we find? Eighty to eighty-five percent has not been found by major oil companies but by independent oil companies—independent groups of men and women who take a lot of risk and a lot of chance.

They go out and find oil. And everybody ought to know they are going to pay this tax, too. Not big oil, but, literally, 13,000 independent oil producers. I submit most Americans would say, "Let them make money and produce oil. We would rather pay it to them than to Kuwait or Saudi Arabia, or some foreign country that we are paying it to, and that we will continue to pay it to."

Let me set that one into perspective. When Lyndon Johnson faced a point in his presidency that he had to send a budget to the U.S. Congress that broke \$100 billion, he stewed and suffered over it and was concerned because the magic number was going to be broken. For the first time, we were going to spend a hundred billion dollars in our National Government's efforts.

This year we will spend \$100 billion to buy oil from foreign countries. We will send hard-earned American dollars from our productivity to foreign countries to buy their oil to keep us alive.

While those independent businessmen that produce oil are growing smaller in number because of our policies—that was over 20,000 15 years ago and there are about 12,500 today—we tell the American people that we need this bill because we want to tax big oil.

This bill taxes, for all intents and purposes, each and every one of those 12,500 independent oil producers in America, for the most part, exactly the way we are going to tax Exxon, Standard of Indiana, and the other members of the Seven Sisters and the 20 top oil companies in the country.

The American people do not know that. This lady who wrote to me with reference to herself and hundreds of thousands of royalty owners who are getting taxed, and the American people did not understand that.

The people ask why we come down here to the floor to talk. Well, it is too late, in some respects. It seems rather inevitable. It seems rather inevitable that we are bound and determined to tax our way out of this energy problem. We have never heard of such a thing, but we seem bound and determined to do it.

We were also going to take this bill and all the money we got out of it, we would do a couple of things, help those that need help the most, our poor people that cannot afford energy bills, and then use the rest to develop energy.

That is a joke. Have we ever seen the Federal Government produce any energy? They produce a lot of it in terms of paperwork, rules and regulations, and speeches. But the U.S. Government does not produce any oil, does not produce any gas.

For the most part, its policies are counterproductive and cause us to produce less.

It looks now as though we will not even try to use substantial portions of this money to produce energy. This bill comes out of conference and it has three or four uses of the money, and the use of it to invest in alternate forms of energy by way of subsidizing some of them, research and development, and the like, are not even found to be among the biggest users of this tax as we move down the next 10 years and try to spend it for the purposes it was originally intended.

When this bill was considered here in the Senate, the issue of the independent oil producer was discussed in great detail.

I remember when we were talking about trying to create some kind of exemption in this new tax package to encourage, rather than discourage, independent producers of the United States. I remember people came to the floor with sheets of paper that were given them by the U.S. Department of the Treasury, the U.S. Department of Energy, and these experts out of Washington had all punched into their little computers that the independents do not need an exemption, they do not need any additional money to produce oil, if we do this it will not produce any more oil.

I remember that I came down here and said, "Who do you want to trust? Do you want to trust the prophets of gloom, or do you want to trust thousands of independent businessmen and women? Do you want to turn them loose? Say that we want them to make money and go out and find oil?"

How can we measure? I said, "How can you measure what that kind of activity is going to do? How can you measure what it would do if another 5,000, 6,000, or 7,000 independents were added to that group and went out and tried to find energy for the United States?"

Well, we prevailed in the Senate and we had an independent exemption. It, at least, lived up, to a small extent, to the rhetoric that had been thrown around the United States. It said that this would principally be a tax on major oil and we would give the independents an opportunity to prove that they are different from the major oil companies, that they do not have the ability to borrow, that they invest almost everything they get out of the ground back into energy.

Why do we want to take it away from them? That is precisely what we would want them to do.

I think the figures were then that the independent oil men of this Nation reinvested in energy 105 percent of the proceeds they got from oil. It seemed to me that that was a good measuring stick. Why take away 30 percent, or 70 percent, depending upon what tier they are in, and take it to this Federal Government which has not produced any oil?

But the bill that comes before us today wiped out that independent exemption. As I indicated, now the thousands of independent oil producers join with the hundreds of thousands of royalty owners, such as Mrs. Seifert from Albuquerque, N. Mex., who wrote me that letter, and they do not understand.

Remember, she said, "We didn't understand all the words that were being thrown around by our Government. We didn't know our royalty check was going to get taxed 70 percent."

Independent oil producers have some leaders who are well informed. But as to thousands of them I have just described, in terms of the backbone of America's energy production, at least crude oil and natural gas production, it is finally coming home to them that this bill, that we for so many months, that our President for so many months, talked about in terms of major oil companies, this windfall profit, is now coming home to roost. Knowledge is settling in that it is not major oil companies that are going to pay this tax.

Yes, they are going to pay it, but so are independent oil producers, and so are hundreds of thousands of average middle-income Americans, thousands of them retired. They are going to pay 70 percent—a good rule of thumb—on their royalty checks when we pass this cornerstone of America's energy policy and get ourselves out of the energy crisis with a huge new tax. It is incredible.

Mr. President, I have spoken a little here about how we have fooled some people in this country, a pretty large number, hundreds of thousands of royalty earners, more than 12,500 independent crude oil producers; but now we will get to the last point, the American consumer—everyone—the American consumer we are always worried about, the American consumer who is about to re-

volt because of 20 percent inflation. Let us talk about this bill and the American consumer.

Does it seem logical to anyone that we can collect \$227 billion in taxes in the next 10 years and that it is not going to cost the American consumer anything? When we decided to put a tax on gasoline to pay for our highways, the American consumer paid for our highways. Gasoline went up 4 cents a gallon when we put a 4-cent tax on a gallon of gasoline.

As a rule of thumb, each of those pennies means a billion dollars today, so what we have is \$227 billion; and people would have us believe that, somehow or other, we are going to take that away from hundreds of thousands of royalty owners, independent oil producers, major oil companies, but nothing is going to happen to the American consumer. Gasoline is not going to go up; diesel fuel is not going to go up; everything is just going to be the same. The Federal Government found this fantastic bird's nest on the ground—\$227 billion.

That is the largest single new tax imposed on the American—let us say economy. I think it is probably better to say "on the American people." That is the largest single tax ever imposed in our history, by perhaps a couple of hundred percent. Can anyone really believe that we are going to find all that tax money out there and that the American consumer is not going to be affected at all?

All these experts came down here and told us, "Oh, this money is not needed by the independents. They will produce oil, anyway. This money is not needed by the oil people. They are going to produce the same amount of energy, anyway." Now we are trying to ask them how much the American consumers are going to be socked by this tax. It is pretty hard to get the same people, who know so much about the production of oil, to come to grips with telling the American people what \$227 billion in taxes on the business of finding oil and producing it is going to do to the average American consumer.

The independents, the same group I have talked about, along with the royalty owners, have an association, the IPAA, and they have some experts. They try to represent their cause, just as many other causes try to find representation here in Washington. They have come up with the following, and they have been pretty accurate when they have told us things in the past.

Their conclusion is that those who consume gasoline—that is just about everyone—are going to be socked again. There will be a 16-cent-a-gallon increase in gasoline taxes attributable to this tax by 1990, in their opinion, for the simple reasons that there will be a reduced supply.

Remember, we started this exercise, as the cornerstone of America's energy policy. The independent producers say, "We will produce less rather than more when we have this tax in place, and that reduction in supply is going to cause us to have to import more than we would otherwise, not less."

Now we have come full circle on the great urgency for this bill and the extreme necessity for the propriety of its adoption. It was supposed to tax big oil, but it does not. It taxes independent oil producers and royalty owners, and then the great American working people, the producers in this country.

It taxes small businesses that are trying to get ahead; the mother who has to drive two or three children to school; the steel worker who has to drive 20 miles to his job; the carpenter in my State who might even have to drive 120 miles, where there is more work, and spend the week there and come back on the weekend. Now we have them in this. They will have to pay more for gasoline than they would have without this tax. And this 16 cents has nothing to do with the new Presidential proposal to tax imported oil, which is going to add another 10 cents a gallon to the cost of gasoline.

Someone might question why I would come here, when this is all finished and wrapped up—we are going to agree to this conference report this week or the week after—and waste the time. Well, I am not going to vote for it. I did not vote for it when the matter left the Senate, and it was much better then than it is now. Since I am not going to vote for it, I thought I would come here and give a few reasons why I am not and share a few thoughts that people have shared with me about what a hoax it is. I do not think it is a waste of time. I believe it is using the United States Senate and this floor, as I am entitled to do, in its best sense, to tell what a bill or a law is about, as understood by a Senator.

I have some additional letters here which I think will add appreciably to the history of this bill and to the RECORD.

I have a letter from a Mr. Osborne, an independent producer. I also have one from a Mr. R. G. Andersen, who has his own oil company, a small one. He is concerned about the small producers' exemption being eliminated from this bill.

I ask unanimous consent that these two letters be printed in the RECORD.

There being no objection, the letters were ordered to be printed in the RECORD as follows:

LOMBARD, ILL., March 15, 1980.

Re: "Windfall Profits Tax Bill."

Senator PETE V. DOMENICI,
U.S. Senate Office Building,
Washington, D.C.

DEAR SENATOR DOMENICI: If the proposed "Windfall Profits Tax Bill" is passed by the Senate and signed by President Carter, as it stands, it is going to cause grave financial problems for thousands of little people, fractional oil and gas leaseholders, drillers, operators, etc. in all of the oil producing states. These are little people, not major oil companies or wealthy independent producers.

This "Windfall Profits Tax" will not solve the energy problem. In fact, if enacted, it can only worsen an already serious situation of our dependence on foreign oil. This proposed tax is an "Excise Tax", not a "Windfall" tax on profits.

Furthermore, there has been no consideration given to the enforcement of this "Excise Tax" on foreign oil producers, in a like manner, as it will be enforced upon domestic producers, large and small. Do we have a dual

tax standard? If so, and as a legislator, I would have to question the constitutionality of this proposed tax bill.

Sincerely yours,

JOHN NEWBERRY OSBORNE.

RAGARS OIL & GAS CO.,
Alice, Tex., March 17, 1980.

HON. PETE DOMENICI,
Senate Office Building,
Washington, D.C.

DEAR SENATOR DOMENICI: Being a small operator and producer I wish to convey some thoughts concerning the proposed Windfall Profit Tax (as agreed by the conferees). This tax, if enacted without some exemption for small domestic producers, will become an embarrassment to the elected officials that are charged with enactment of such measures.

There are many small operators unable to comprehend the governmental regulations and a state of rebellion to any further encroachment is very much in their minds and attitudes. It becomes a matter of survival to them and their survival in a harmonious relationship is imperative.

If this bill does not provide for some relief or exemption to these small producers, the supporters of this bill will find it most embarrassing to have the record reveal they contributed to aggravating and worsening measure to the detrimental of this nations needs.

You are urged to support some type exemption. It is worthy and wise to do so.

Very truly yours,

R. G. ANDERSEN.

MR. DOMENICI. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

(Mr. EXON assumed the chair.)

MR. HEFLIN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

ABSCAM

MR. HEFLIN. Mr. President, as chairman of the Ethics Committee I have submitted previously for the RECORD a letter from the Ethics Committee that authorized the chairman and the vice chairman to write to the Honorable Benjamin Civiletti, the Attorney General of the United States, pertaining to the position of the Ethics Committee in dealing with investigation of the so-called ABSCAM matter while the Department of Justice is pursuing the criminal prosecution aspect.

I wish to submit for the RECORD a letter which I have received, dated March 14, 1980, from the Honorable Philip B. Heymann, Assistant Attorney General in charge of the Criminal Division of the Justice Department, which is in answer to that letter.

I think this will complete the record concerning the exchange of correspondence between the Ethics Committee and the Department of Justice and the position of both in regard to the temporary conditional and segmentized deferment by the Ethics Committee to the Department of Justice pending the outcome of criminal prosecution.

Mr. President, I ask unanimous consent that the letter to which I have referred be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

U.S. DEPARTMENT OF JUSTICE,
Washington, D.C., March 14, 1980.

HON. HOWELL HEFLIN,
Chairman,

HON. MALCOLM WALLOP,
Vice Chairman, Select Committee on Ethics,
U.S. Senate, Washington, D.C.

DEAR SENATORS: Thank you for your letter of February 28, to which the Attorney General has asked me to respond. We fully recognize the Committee's constitutional responsibility to inquire into potential misconduct by any Member of the Senate, and we appreciate your willingness to postpone your request for evidence to be used in criminal proceedings arising from the "ABSCAM" undercover operation and to avoid any action which would interfere with our efforts to achieve a fair and just conclusion in the criminal process.

We believe we can accommodate the concerns of the Committee raised in your letter:

1. We will proceed with these cases in an expeditious manner and, as we have indicated, will do everything we reasonably can to conclude grand jury proceedings by June 1, 1980. If for some reason grand jury work has not been completed by that date, we will be pleased to meet with the Committee to discuss the reasons we have been unable to meet this target date and to estimate any additional time required. Similarly, after any indictments are returned we will attempt to move through the trial stage as promptly as possible and continue to advise the Committee of tentative completion dates.

2. Upon final disposition of a criminal prosecution at any time before or after trial and before any appeal, we will make available to the Committee all the Department's evidence and other materials relevant to your inquiry, except insofar as this information may relate to a case not yet concluded.

3. Even as we proceed with the investigation and any possible prosecutions, we will endeavor to share with the Committee certain limited materials of the types described in your letter. However, the precise nature of these materials and the terms and conditions of their disclosure must be explored between us and Committee counsel. We are simultaneously exploring this matter with counsel to the Standards of Official Conduct Committee of the House of Representatives.

4. Finally, I can assure you the leaks that have occurred in this investigation are a foremost concern to the Attorney General, and he has taken a number of steps to prevent their repetition in this or any other case. United States Attorney Richard Blumenthal of Connecticut has been appointed to conduct a special investigation into the sources and causes of the unauthorized disclosures that have occurred. The resources of the Department, including the FBI, have been placed at his disposal, and he and his assistants are conducting extensive interviews with all Department personnel involved in the "ABSCAM" investigation. On Wednesday, March 5, the Attorney General spoke to over 800 Department employees in two sessions to express his anger over the leaks, the importance of confidentiality to the work of the Department, and his determination to identify and discipline those responsible for any unauthorized disclosures. Video recordings and transcripts of this message will be circulated to Department employees around the country. The Attorney General has also ordered a complete review of all Department

regulations and guidelines governing information disclosure.

I trust this is responsive to your concerns. We look forward to working with you cooperatively in these matters in the months ahead.

Sincerely,

PHILIP B. HEYMANN,
Assistant Attorney General,
Criminal Division.

AMERICAN AGRICULTURE

Mr. HEFLIN. Mr. President, I wish to have printed in the RECORD a statement by the Honorable Goodwin L. Myrick, the president of the Alabama Farm Bureau Federation, which he delivered on March 18, 1980, to the Alabama congressional delegation here in Washington.

I think this is an excellent statement and I think it will be of benefit to all Members of the Senate. So, therefore, I ask unanimous consent that it be printed in the RECORD in its entirety.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

STATEMENT BY MR. GOODWIN L. MYRICK

Never in the history of mankind have so many owed so much to so few and paid so little to get it. Alabama's and the nation's agriculture is characterized by a paradox of efficiency. Comprising only three percent of the population in the United States, we are the most efficient producers of food and fiber the world has ever known.

Productivity is the main ingredient in this amazing farm story. Consumers in America have no greater champion than the American farmer. As the farmer increases productivity, the consumer spends a smaller and smaller percentage of disposable income on food—slightly over 17% today.

Industrial competition, minimum wage, permissive welfare and farm labor legislation have substantially removed hired labor from our farms. To counter these forces, agriculture has mechanized and become the productive wonder of the world. Investment in agriculture on a per capita basis now exceeds even the most capital intensive industries including oil, automobiles and high technology. These industries have a steadily decreasing record of per capita productivity.

Burdensome economic forces are causing a rapid deterioration in farmers' ability to continue high levels of capital investment. These forces include high interest rates, rampant inflation, disruptive market manipulations and weak farm commodity prices guided by cheap food policies. Lower capital investment and decreased productivity will surely result if our government fails to recognize the effect of its actions. Our nation cannot afford this. Therefore, it is essential that our government take immediate action which will strengthen the productivity and prosperity of the American farmer.

We are all aware that inflation is the number one problem facing farmers and the nation today. Inflation is slowly strangling our free enterprise system.

The major contributor to the current 20 percent annual inflation rate is deficit government spending. Imported oil also plays a significant role in the inflationary spiral. Our agricultural trade achieved a surplus of \$15.8 billion which reduced the total U.S. trade deficit from \$43 billion to \$27.2 billion in 1979. Obviously farmers are making the most outstanding contribution toward the purchase of imported oil. At the same time, our agriculture production only consumes three percent (3%) of energy in the U.S.

Our policy has consistently called for balancing the budget. Spending by the federal government should be cut to a realistic per-

centage of the gross national product. The federal budget hasn't been balanced since 1969 and only twice in the past 21 years. The federal debt is \$892.8 billion in 1980 or nearly 36 percent of the gross national product. The interest alone on the federal debt is \$67.2 billion and growing each year. It is time for our government to take positive action to restore fiscal responsibility to our government.

Our second most critical challenge is energy. The United States has vast energy resources. We just lack programs and leadership in the energy field. We support consistent government programs that will move this nation closer to energy independence. We support the Rural Energy Independence Act. The opportunity to convert biomass, including agricultural and forestry products into alcohol encourages us. We also support the increased use of coal and wood as primary energy sources.

In Brazil, one of the major energy contractors for alcohol usage is an Alabama based engineering firm. We feel the need for using renewable sources of energy is apparent and that technology exists to support increased alcohol use. We do need help with tools and the capital. Therefore, we urge you to support legislation that will encourage increased production in the alcohol/fuel area.

Agricultural productivity is based on the scientific management of soils. Chemical fertilizers form the basis for much of this management. Recent increases in the cost of fertilizer causes farmers great concern. However, an even greater concern is the rapid consumption of this nation's phosphate reserves. Today nearly 50 percent of our annual production is exported. According to current reserve estimates, we face the depletion of our domestic phosphate supply by the year 2000. The existence of American agriculture rests in our ability to protect and extend our supply of this invaluable resource.

We are concerned with the increasing challenges to individual property rights or the "land use issue". Alabama farmers are the best stewards of the soil and their environment. We own our property rights and resent unjust criticism from government agencies, environmentalists and preservationists who question our integrity as stewards of the land.

We do not agree that property rights come in a package which are individually subject to negotiation. Government regulators should enter agriculture only when the demand for change or environmental abuses are proven under the law and constitution. Agriculture issues must be weighed on their scientific and economic merits. The cost of allowing bureaucrats and other non-agricultural interests to influence the basic structures of land ownership, agricultural operations or marketing activities, will ultimately result in the greatest social and economic disaster endured by this nation. I refer specifically to mandatory conservation practices, pesticide bans, endangered species designations, wilderness, trails and river designations and other such programs.

The economic health of the entire world depends upon mutually beneficial trade between nations. A graphic example exists in the United States and Alabama in the production and marketing of soybeans. In 1979, the increase in U.S. soybean acreage was equal to the entire production acreage of our largest competitor, Brazil. In 1979, we exported an amount nearly equal to the entire 1968 production—protein and oil for a starving world.

These contributions to U.S. and world economy have been made because soybean producers have been permitted to operate in a market oriented economy unencumbered by government meddling. We strongly

support continuing this policy of no government controls, no embargoes except in proven national emergencies undergirded with research and market development and improved port facilities.

A growing problem and challenge for the cotton industry in Alabama and America is the regulatory actions of governmental agencies such as the EPA and OSHA. Of all of Alabama's crops, the cotton industry finds itself most threatened by these regulatory bodies. OSHA and its cotton dust standards will close many gins and result in damaging cotton's competitiveness in textile mills.

Recent EPA actions are leading several States and some parts of Alabama, to restrict aerial applications of chemicals on cotton and other crops. These undue and prohibitive regulatory actions severely threaten the industry's ability to produce efficiently and competitively.

The competitiveness of cotton today is more important than ever before due to heavy use of energy expensive synthetics. Preservation of cotton research and promotion program is directly related to producer income. We feel that buying products made from natural and renewable fibers such as cotton, would be one of the most positive and patriotic acts consumers could practice.

Alabama dairymen are attempting to secure a federal milk marketing order. We have filed for an order and appreciate the efficient and timely cooperation and support we have received from the dairy division of USDA.

The Federal milk marketing order system and the provisions of the 1937 act that created it, have stabilized and provided order to dairy markets. Milk should be classified and priced in accordance with the form or purpose for which it is used. We are concerned over the continual efforts of some to destroy this essential marketing tool under the guise of cheap food at the farmer's expense. It distresses dairy farmers to see government agencies in support of these counter-productive ideas.

We need to maintain the present Federal marketing system which sets minimums in accordance with supply and demand and allows producers to negotiate for over order premiums depending on local market conditions.

The present price support program should be maintained at 80 percent of parity for manufacturing grade milk. We support measures that will strengthen our ability to gain access to world markets.

American agriculture, if not restricted by Government controls, will continue to meet the food and fiber requirements of America and the world. You are all aware that our last three Presidents have each imposed embargoes on our agricultural products.

Each time these embargoes have been counter-productive for agriculture and the nation. Actions such as moratoriums or embargoes inhibit food production, destroy our credibility in foreign markets, foster inflation and reduce our ability to contribute to the balance of payments.

Therefore, we recommend a law that would prevent the executive branch of Government from imposing unilateral embargoes on our farm commodities unless a national emergency is declared and ratified by a two-thirds majority of the Senate. In any event, farmers should be adequately compensated for any loss of income.

We are opposed to a cheap food policy! We feel that a farmer has the same right to earn a profit as any other self employed businessman. We are concerned over the ever increasing meddling of government agencies into the so-called "structure of agriculture". We believe that the structure of agriculture is basically sound. In our opinion, the free market economy will provide the necessary

checks and balances. The government should serve farmers to undergird their productivity and prosperity without infringing on their rights.

The Secretary of Agriculture said in a recent article in the *Dothan Eagle* and I quote, "Bergland, himself a farmer, questions the basic tenet that a farmer should pay for his farm during his lifetime." Who will pay if the farmer doesn't? His children? His estate? Statements such as this, along with the structure of agriculture issue causes us grave concern. Is our Government moving toward the development of socialistic "Moshav" type cooperatives? Are they advocating a return to subsistence farming? Why must a farmer be different from other types of U.S. businesses? Why shouldn't a farmer have a good opportunity to retire all of his farming debts during his lifetime?

Credit is becoming a serious problem. Some of our lending institutions in Alabama are now charging 18% interest for production money. Federal land bank rates are variable and rise with the cost of money. This happens at a time when prices for farm commodities continue to weaken. Again, cost of production is the major ingredient. Farmers are always cost conscious. We must be. However, these latest increases in interest rates are pushing many of us to the brink of disaster. We must receive farm prices that reflect the true input costs.

It should be kept in mind that farmers cannot pass on their increased costs. We buy on a seller's market and sell on a buyer's market. Farmers suffer the most severe hardship under a burdensome cost-price squeeze. Such a situation is presently approaching an alarming state. Unless farmers receive adequate support and ample opportunity to earn a profit the economy of our nation will suffer severely in the near future, as well as farmers.

We are concerned over the fact that individual savings in America is at an alltime low. It's due to inflation and a lack of incentive to save. To correct this, we encourage you to enact legislation that would influence people to save. In our opinion, all taxes on savings should be eliminated. We feel that this simple act would go a long way toward restoring some fiscal sanity to our troubled economy.

In closing, I would point to several consistent facts relative to the problems that confront farmers. Unpredictable weather, pests, disease, markets, and inflation always confront us. If we were able to eliminate these variables, there would be no need for disaster programs. However, recent experience in Alabama with hurricane Frederick graphically illustrates the need for programs to protect the property and productivity of our farmers. Disasters affect farmers and all Americans. We need your help to enter the marketplace freely. Second, protect our opportunity to earn a profit in the marketplace. Finally, support us when physical or unavoidable economic disaster strikes.

THE HONORABLE JOHN B. McMANUS, JR.

Mr. HEFLIN. Mr. President, it is with great sorrow, and a profound sense of loss, that I inform my colleagues of the passing some weeks ago of distinguished jurist, a great American, and my friend, the Honorable John B. McManus, Jr., a former chief justice of the Supreme Court of New Mexico.

Chief Justice McManus led a colorful and interesting life. His father, John B. McManus, Sr., was the State warden of New Mexico for many years and was later and adviser to President Franklin

D. Roosevelt. With his father's encouragement, young John enrolled in law school at Georgetown University, where he gained the nickname "Black Jack" from the many new friends that he made there.

Jack interrupted his legal studies to serve the Nation during World War II. He received many honors as a Navy pilot and, by war's end, he had attained the rank of lieutenant.

He then resumed his study of law at Georgetown, where he graduated with honors. Upon his graduation he returned to Santa Fe, N. Mex., where he gained great respect among his peers in the legal profession. He was frequently mentioned as a possible contender for high political office, including the office of Governor, but his commitment to the law led him to the office of chief justice of the Supreme Court of New Mexico.

Chief Justice McManus was one of the most outstanding jurists in the Nation, and was a national leader of court modernization. He served as chairman of the Council of State Court Representatives of the National Center for State Courts in 1977 and 1978. Further, in 1978, the Georgetown University Alumni Association presented Chief Justice McManus with the John Carroll Award, the highest award that the University's alumni association confers upon its members. The award is given to honor an alumnus whose dedication to his profession, and whose very life is a bellwether for future generations to follow.

Jack was a good friend who had a warm and generous sense of humor. We had a close, mutual friend, E. E. "Red" Cox, of Cox Gap, Ala., who also has a great sense of humor and who was Jack's roommate when they lived in Washington in the 1940's. When "Red" and "Black Jack" got together, everyone in their presence enjoyed life to its fullest.

Jack's passing is a great loss to the State of New Mexico, to the American legal profession, to the Nation, and to his many friends. My sympathy goes out to his lovely wife Terry, and to his children, Nancy and Ricky.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. McCLURE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered. The Chair recognizes the Senator from Idaho.

WINDFALL PROFIT TAX ACT OF 1980—CONFERENCE REPORT

The Senate continued with the consideration of the conference report.

Mr. McCLURE. Mr. President, I want to take a few minutes this afternoon to go into some of the basic reasons why I and others are opposed to the conference report on the windfall profit tax, and intend to vote against it.

There is a danger in adopting such a position that some will immediately

come to the conclusion that those who are opposed are opposed because they are tools of the oil industry.

That is not my motive at all. I am trying my best to represent the consumers of this Nation and, particularly, the consumers of my own State who must have an adequate supply of energy at reasonable cost if they are going to be able to cope in the world in which they will find themselves in the next year or two or three or four, the next decade or two.

The question must be asked if we do not have an adequate energy program of our own in this country then what will happen to the consumers in this country who must contend for ever-shortening supplies of energy, ever-increasing costs of that energy, and a decreasingly competitive position in the world markets?

Mr. President, it is not simply a question of whether or not oil companies are going to be able to produce or whether we are going to reduce their ability to produce. It is also a question, on the other side, of how, if a tax is to be levied, it is to be used, the proceeds are to be used, in financing a Government that continues to grow beyond reason.

My opposition to the windfall profit tax must be that the motivation for those who support it is, at least in part, on the part of some who want to finance an expansion of Government.

Mr. President, we are now engaged in a great debate in this country about whether or not we can halt inflation and what steps must be taken in that effort. The President has suggested there will be a balanced budget, and he suggests he is going to balance that budget on the backs of the taxpayers of this country by increasing the burden of taxation. That has to be made absolutely and abundantly clear, that the President is not proposing to balance a budget of the United States by reducing the burden on the taxpayer but by increasing the burden on the taxpayer.

It is useful to note that in January of this year when we had the first budget submission to us, the budget we are now being told is inadequate to the needs of this country in fighting inflation, that shortly after the January budget submission to the Congress the White House reestimated the expenses, the outlays, that would actually be, the money that would actually be spent under that budget, and reestimated them upward by \$13 billion. Then 1 month later it comes in with a revised budget that says, "Now, to fight inflation we are going to reduce expenditures by \$13 billion."

Mr. President, it is a shell game which is being played in which they promise—it is exactly like the merchant who plans to have a sale and marks the pricetags up so that on sale day he can mark them down and have a sale at the same price.

The President in January told us what he expected to spend, and after the spending cuts suggested in his latest talk, the spending will be exactly what he had suggested in January they would be. So the cuts are only from the increases that were estimated in February, and we have

to understand that there is no real effort being made on the part of the administration to reduce expenditures. It is simply a way in which they can again convince the American people that they are doing something about inflation while not so quietly raising the burden of taxation.

Another statistic that is worth while noting and should be driven home to the American taxpayer is that in 1976 the revenues to the Federal Government—the revenues, not the expenditures—were \$299.8 billion, just short of \$300 billion. Does that sound like an awful lot of money to the average taxpayer?

Let them just look now at the revenues being projected for 1981—\$615 billion, better than double the revenues to the Federal Government in just one 5-year period.

How many people in our society have had their incomes doubled in the last 5 years? How many people in our society will find themselves twice as well off in 1981 as they were in 1976? Yet that is the kind of a balanced budget we are aiming towards, a balanced budget with revenues better than double what they were in 1976.

The windfall profit tax, the so-called windfall profit tax, figures in that particular shell game as a part of the deception of the American people. "We will," they say, "not tax the American people. We will tax the oil companies."

Well, let us go back just a little way. Perhaps people ought to remember that just 4 years ago candidate Jimmy Carter was going around the country talking about balancing the Federal budget, an aim that he dropped within a year after he became President. But in that year, in which he dropped the talk of a balanced budget by the end of his first term, he added another part to his standard speeches, and that was a crude oil equalization tax.

The COET never found favor in Congress. Perhaps it should have. It is not as bad as this measure. It never found favor, but somebody in the White House, some political genius—not a financial genius, a political genius—came up with a new and real approach to the problem.

One of the problems with the crude oil equalization tax, the COET, aside from the fact that Congress itself would not buy it, was the fact that if that had been enacted the American consumer would have seen that Government action was the reason they were paying more for energy at the gas pumps. It would have been a direct taxation of the Government on domestic production of oil that caused the price at the pump to go up. Therefore, the Government would become responsible for the price increase.

And somebody down there, in a flash of genius, discovered the obvious truth; that it is much better to deregulate the price of oil, allow it to rise to the world price and then tax the money away from the oil companies. In that way, the rise in price gets blamed on the oil companies and the Government still gets the revenue.

As a matter of fact, they get more revenue this way. They get more revenue because now it is no longer related to profits in any direct way at all.

The crude oil equalization tax would have yielded about the same amount of money, but slightly less than this measure will yield over the next 10 years.

Just a moment ago, I made reference to the fact that the revenue to the Federal Government will have more than doubled for 1976 through 1981.

Let us take another measure of the size of this tax. The revenues to be raised under this new taxation, which the American consumer will pay, is greater than the revenue to the Federal Government from all sources from 1789 through the end of World War II. And that is the revenue projected over the next 10-year period from this tax and this tax alone.

The American consumer is going to pay and pay through the nose for the energy largely as a result of Government actions. Every action we take in the energy field creates greater dependence upon imported oil.

Take the composite of all of the actions that Government, imposed by Congress and by the administration, have taken over the last several years and we increase the strength of the OPEC cartel. Someday the American people are going to wake up to the fact that those who are in charge of energy policy in this country are working more for the interests of OPEC than they are for the interests of the American people.

Wittingly or unwittingly—and I will not charge that they intend that result—that is the result of these actions. It leads to the rational results that are condemned by people in this body when they see the results—results like one oil company buying the holding company that owns Montgomery Ward and they condemn them for doing that, when it was rational for that company to move their capital out of the energy field, which was very uncertain and which the returns on investment were very low, into a retailing area that was much more certain and of which the promise of return on investment was higher. It was not an evil conspiracy on the part of an oil company. It was a rational action looking at the economics of that particular company and their profit margin and their hope for profits.

And yet they are roundly condemned, if, as a matter of fact, they invest in retailing, because they did not put their money back into energy production. At the same time, they are roundly condemned, if they put their money back into energy production, for having monopolized energy production.

Now, you cannot have it both ways in this body, or at least you should not. But a good many people do have it both ways and that is a high art around here. And I understand that.

But there ought to be some consistency to the policy that does not make it rational for Ashland Oil to do what they have just done. They have gone out of the production of oil completely. They have sold off their producing properties. They only buy, refine, and merchandise oil today and oil products in this country.

Why did that happen? Because we have a curious little regulation known as entitlements to equalize the competitive position to those who produce oil in this country and those who import it

overseas. Obviously, those who import it from overseas pay a much higher price because the domestic production is controlled in price. And those that market the product produced from foreign oil, as compared to those that market the product produced from domestic oil, would obviously not be able to compete in the marketplace.

So, in order to equalize the competitive positions of the imported oil and the domestic oil, we imposed the so-called entitlement program that says that those who import foreign oil are entitled to low-cost domestic oil from those who produce it in this country. A rational program; is it not? But the result is that for every barrel of oil you produce in this country, you have to give some of it away to your competitor at the controlled price. It is not a free gift. You just take all the risks for producing it and then tie up all your capital in producing it and then sell it at a controlled price to your competitor.

Ashland Oil, looking at that, decided that that did not make sense any more. They would get out of the production business completely, let somebody else tie their capital up, let somebody else take the risks of drilling oil wells, and they would simply get them oil from the person who took those risks and they would use their capital in a more efficient way for them.

So, whether it is Ashland Oil, or Mobil, or Gulf, or whomever it may be that is producing in this country, the incentive is to reduce the production in this country and buy more from overseas.

The windfall profit tax, so-called, is neither a windfall to the oil companies—it is a windfall to the Government—nor a profit tax, because it has nothing to do with profit. It is an excise tax on production. This will further the direction of encouraging people to produce overseas and have the further result of depressing the investment in production in this country.

We condemn major oil companies for taking those actions. But this proposal now pending before the Congress of the United States, the one that we are working on now, the excise tax on oil production, will inevitably drive more investment overseas and reduce investment in this country. Then we will be importing not 50 percent of our oil, but 60 percent or 65 percent of our oil from overseas. And the American public will again pay and pay dearly for a policy that is shortsighted in the extreme.

There are many, many reasons why this bill should be opposed. I was disappointed, as a matter of fact, when one of the financial incentives for an alternative form of energy, which was added here in the Senate when the bill was being originally considered, was dropped when it got to the conference. That was the investment tax credit with respect to electric vehicles.

We must begin to do things which will reduce our dependence on foreign oil. And yet here is a bill that increases our dependence on foreign oil and, at the same time, drops a provision which would reduce our dependence upon foreign oil.

In December of 1978, when the Shah of Iran fell, the world lost the Iranian

oil production for less than 2 months; 7.6 million barrels a day. Since that time, they have restored production to the level of 3.6 million barrels a day. So the world has lost about 4 million barrels a day of production.

Before December of 1978, the free world was consuming about 55 million barrels of oil per day. The world's productive capacity was 2 or 3 percentage points above that. So that there was a slight overcapacity. There was beginning to be a price softness in the market. The concessionary terms on delivery that were then evident in the marketplace were evidence of the pressures because the supply was slightly greater than the demand.

Even though since that time the consumption has gone down, the loss of 4 million barrels a day of Iranian production has converted the free world's supply from surplus to a deficit. And it was enough to force in the marketplace a doubling of the world's oil prices.

The American consumer is not immune from that dumping. Prices went up very rapidly in the period of December, January, February, and March of 1979, and it was that marginal reduction in the world oil supply which forced the price up. Yet here we take action that, instead of increasing the domestic supply, will reduce domestic supply by at least an amount equal to the loss of Iranian production because of that political event inside Iran.

The American consumer is again going to pay higher prices than they should have to pay because we again inhibit the domestic production of energy resources.

It is a tragedy that many of the incentives that we placed in the bill when it went through the Senate for the production of domestic energy resources have been deleted in the conference and we come back with a bill which is almost totally negative, which is almost totally on the side of taxation of production, and almost nothing on the side to enhance either conservation or increased production in this country.

Why can we not for a change begin to look at the incentives which are necessary for conservation, begin to look at the ways that we have to deal with production in this country? I am not just talking about oil and gas; I am talking about gasoline, about alcohol production that must begin to play a more important part in the energy mix.

Just yesterday we had representatives of the Department of Energy testifying before the Resources and Development Subcommittee of the Energy and Natural Resources Committee of the Senate. They were telling us that their goal was they thought we might produce 500 million gallons of alcohol in this country by 1986 or 1987.

That is a drop in the bucket, almost literally a confession of failure. What we need to be talking about is billions of gallons of alcohol. Even billions of gallons of alcohol only begin to be measured in days of liquid consumption of fuels in this country.

If we are going to break the grip of the cartel that is driving up the price of

energy in this country, we have to deal with enhanced production in this country, not just of gas and oil but of all energy resources.

I think it is important for us to note against that 500 million gallons of alcohol production that they were talking about, we consumed last year in this country over 130 billion gallons of gasoline. What does 500 million gallons do to a market that consumes 130 billion gallons?

We simply must recognize that half measures, weak measures, will not solve our energy problems in this country.

But why, when we are faced with that kind of an energy problem in this country that some people think is a major factor in our inflationary pressures? I think that may be overstated, but many people think it is a large proportion of the reason that we have the 18- and 19-percent inflation rate in this country today, that it is tied back into energy costs. Yet in the face of that we pile more disincentives on production. We make it more difficult and less likely that we will produce more oil and gas and energy in this country. Therefore, wittingly or unwittingly, we play into the hands of the OPEC cartel that wants to continue to drive prices up.

This policy of defeat, this policy of dependence upon foreign sources of oil seems to me to be endemic in this Congress.

Let us look for a moment to perhaps what we should have done with taxation of the oil industry because of the so-called unearned profits resulting from world oil price increases.

What is a windfall profit? How can we define what is indeed a windfall?

Well, certainly a windfall could not be measured at levels that are less than the average rate of return on invested capital. Whether it is the oil industry or any other, they have to attract capital. There is a great deal of risk in drilling oil wells, particularly in this country where we have drilled so many already and the chances of recovery are, therefore, less than they would be in relatively virgin territory.

We must attract capital.

I might just note that if we are to meet the energy needs of the Western industrialized world so that we can meet the needs of our societies without economic and social chaos, we must invest over the next 10 years \$1,600,000,000,000 in capital investment in energy production—\$1,600,000,000,000. That is a large proportion of the total available capital within our society. It has to be a high priority or we will never make it.

In the face of that demand what does a tax over the same period of time of \$225 billion mean? It means the difficulty of meeting the goal of raising \$1,600,000,000,000 is increased.

While they are going to have difficulty marshaling enough capital assets to meet our energy needs, we siphon capital assets away to use for other purposes.

On the other side of that, aside from siphoning the money away, what does it say to potential investors who must put up that \$1.6 trillion over the next 10

years? That is a rate much higher than any taxation we have been talking about.

It means that those investors must look to the possibility of after-tax return on their investment. If we look at the financial data that we should be looking at, we must look at the return to the 25 largest U.S. petroleum companies over the last several years to see whether or not they are going to be able to meet the requirements of the capital markets and attract the money that must be attracted, if they are going to drill more oil wells, if they are going to drill more gas wells, if they are going to build more refineries, if they are going to build more pipelines, if they are going to build more energy production facilities in the coal fields, in the nuclear powerplants, and so on, that must meet our future energy needs.

The 25 largest U.S. petroleum companies in 1968 had total revenues of \$61 billion. That, by 1978, had risen to \$273 billion. That is an increase of almost five times over the decade from 1968 to 1978.

Yet in that same period, their net income had risen from \$5.8 billion to \$13.2 billion, only about two and a half times, not the five times. So their net income was rising less than half as fast as their total revenues.

Their net income based on constant dollars, if you take the inflation factor out, rose from \$5.8 billion in 1968 to \$7.2 billion in 1978.

So the truth of the matter is that, for the 25 largest U.S. petroleum companies, their real income went up by less than 50 percent over a 10-year period—less than 5 percent a year. Meanwhile, in that same decade, their taxes had gone up from \$8.7 billion to \$37.4 billion. Their taxes had gone up almost five times over the same period of time. The net income as a percent of total revenues had declined from 9.5 percent in 1968 to 4.8 percent in 1978. So, measured as a percent of revenue, their income had been cut in half over the same 10-year period.

But not measured against revenues, just as a matter of fact, the taxes paid during that period of time totaled \$240 billion, during that period from 1968 to 1978.

It seems to me if we are going to be looking at whether or not they made too much, we ought to be looking at how much they had made, how much their income has increased, to determine whether or not there is a true windfall, and whether or not there is a windfall, indeed, to be taxed. It is a little like saying to a farmer, out there raising wheat, "We are going to increase your taxes by 50 cents or \$1 a bushel and we are going to tax you on more and more bushels of wheat, and you ought to get out and produce more bushels of wheat, and the more you produce, the more we will tax you, regardless of whether your profits go up or not." I ask how many farmers are going to go out there and bust their necks to produce more wheat when all we are going to do is increase their taxes without doing anything to their net profits? Farmers are a patriotic bunch, but they are not so patriotic that they are going to be that foolish, and I do not

think oil producers are necessarily more or less foolish than farmers.

Let us look for a moment at the percent of return on investment as a measure of whether or not there is a windfall that ought to be taxed. Let us talk of net income as a percentage of stockholders' equity. That is one way of measuring profits. It is not a perfect way, but it is a way of comparing them against other corporations, other business enterprises in this country.

In 1968, the 25 largest petroleum companies made 12.6 percent net income as a percent of stockholders' equity. The City Bank Petroleum Group, which is a slightly different grouping of petroleum companies, made 13.1 percent, and the Chase Petroleum Group—again, another grouping of petroleum-related companies—made 11.7 percent. At the same time, all manufacturing, excluding petroleum, had a net return as a percent of stockholders' equity of 13.4 percent. The oil companies were behind the national average.

The same thing was true in 1969. In 1970, the income to all manufacturing fell off to slightly less than that that the petroleum companies were making, but it declined from 13.4 percent to 9.8 percent, while the 25 largest petroleum companies had declined from 12.6 percent to 10.9 percent. The recovery in other segments of our economy was more rapid. From 1970 through 1978, the average rate of return of all industrials had risen from 9.8 percent to 16.5 percent. Meanwhile, the return on stockholders' equity for oil companies, the 25 largest, had risen from the low of 9.8 percent in 1972 to a high of 13.6 percent in 1978; 13.6 percent compared to the average of everyone else in business in the country of 18.5 percent.

If you take the 1968 through 1978 average, an 11-year period, the average for the 25 largest petroleum companies over that 11-year period was 12.9 percent. The average for all other manufacturing in the country was 13.3 percent. Is that the picture of a windfall profit that ought to be taxed away? Is it a picture of an industry that has so bloated its profits at the expense of the consumers of this country that they ought to be singled out for favored treatment by taxing away their income, regardless of whether or not they have income?

As a matter of fact, the House bill, when it first came out, had in it a provision that the tax under this bill could not exceed 100 percent of profit because, as a matter of fact, there are conditions for some of the oil producers in this country, where there is the prospect that the production tax imposed by this measure will be greater than their net profits. They will be taxed out of business, literally. There may be an argument, and there have been arguments, raised about whether or not this is an unconstitutional taking of property, because they are taxed out of business, literally.

My concern is not so much what happens to the oil companies as what happens to the American consumer when that happens to oil companies. I think it is important for us to note again that

it is oil company investment that produces gas and oil within this country, that must be invested if the consumer of this country is to be able to be freed of the high-cost oil that is flooding the country today.

In 1973, at the time of the first oil embargo occasioned by the Mideast war, we were importing slightly less than one-third of the total oil consumed in this country and less than 20 percent of the total was coming from the Persian Gulf. Today, after a period of 7 years of crisis in this country, we are now importing 50 percent of the petroleum that we consume in this country—in spite of the fact that in that period of time, Prudhoe Bay in Alaska has come on line and we are getting over a million barrels a day from that source.

When are the American people going to rise up in anger against their representatives in Government for having permitted—not only permitted, but caused—this increase in imported oil? Because it is Government policy forcing the increase in imported oil. It is Government policy that is depressing the production of energy within this country. Instead of developing policies which would increase domestic production, we are developing policies that directly minimize domestic production and directly increase the importation from foreign sources.

There is a great deal said about the Middle Eastern political situation and a great deal of concern about the security of the nation of Israel. I am very much dedicated, as nearly everyone else in this body is, to guaranteeing the security of Israel over the years in the future. But some of the greatest friends of Israel in this body are also increasing the clout of the Arab opponents of Israel. They are creating the conditions of great danger for the continuation of the independence of the nation of Israel as they strengthen the economic strength of the countries that are allied against Israel and, thereby, make much less likely the prospect for an accommodation, a settlement, and a peaceful solution to the Middle East political conflict.

Having said that, I do not want to be understood as being against the Arab countries. Most of the Arab countries that are producing oil have told us, time and time again, that we ought to be getting our own energy house in order, that we ought to be instituting conservation measures, that we should be doing more to produce more in our own country, rather than making ourselves more and more dependent upon them. There are a few countries in the world that have a currency surplus, that sell enough oil that they produce more revenue than they can usefully spend. Those countries, notably Saudi Arabia and the countries along the Persian Gulf—Kuwait, Abu Dhabi, Bahrain, the Emirates—these countries produce more oil and sell it for more money than they can usefully spend in their own country.

We are concerned about that imbalance, the outflow of tens of billions

of dollars per year. It piles up in the hands of countries that cannot spend it well and must seek a place to invest it.

They have been telling us, "Please do not ask us to send more oil. We want to cut down our production."

There are those in this country who charge that the only reason they want to cut down the production is so that they can increase price. But I can say that they have absolute confidence that the future will see those oil prices high enough that they do not have to worry about the price today, tomorrow, or next year. Every policy they have seen us adopt so far guarantees that the oil left in the ground can be sold 5 or 10 or 15 years from now for more than it can be sold for on the market today. Or, as they will put it, why should they take oil out of the ground and exchange that oil for dollars, because the oil that stays in the ground goes up in value and the dollars they have go down in value.

The trouble is that we have educated a number of those people and they are perfectly capable of making rational decisions that, to them, say they should leave oil in the ground, not produce it, not produce more, when, as a matter of fact, the investments cause them trouble and lose their money. "Let us leave the oil in the ground. We will produce less and, therefore, have a better future for our own country."

So they have been urging us to reduce our consumption of their oil. Our policies head in a diametrically opposite direction—the Ashland Oil that cut out production completely, the companies that produce in this country that have every incentive to move their capital offshore to produce more in foreign countries where the risk is less and the opportunity is greater, every incentive that we build into a whole complex of policies, every one of which results in greater dependence and higher price.

The American consumer is eventually going to come to the correct conclusion, that is that the people who have been saying most about protecting them against high price have caused the high price.

There is only one way to get price down, and that is to reduce our dependence on imported oil. There are only two ways to reduce our dependence upon foreign oil, and that is to increase domestic production and to decrease domestic consumption.

Yes, we must be working on conservation measures. We must be reducing the amount of energy we otherwise would consume. But let us not fall for that siren's song that we could conserve our way out of this problem by itself. Conservation is an important factor in energy policy.

But the NAACP said it as well as anyone in their speech in December 1977, their policy statement, in which they rejected President Carter's energy policy as being a program of insufficiency, a program of reduction of economic growth in this country, a program that denied to the minorities of this country the opportunity to continue to grow and to share more fully in our society.

They said, as clearly as it has ever been said, what must be understood is the truth, that their people cannot expect to get a higher standard of living by taking that standard away from other people in our society, that their opportunity for growth must come out of a growth in the economy, and, if the economy does not grow, their opportunity for growth is less.

So they said, "We must have an expanding economy in which our people have the opportunity to move upward economically in our society."

Mr. President, a policy that is designed to reduce the standard of living of Americans is a negative policy. It is a policy that militates most against those who do not have.

We can return full circle to a brief look at the President's budget proposal of January of this year, the one that has now been discarded into the ash can—or, at least, it is said to have been discarded. We have not seen the results of any revisions, as yet, except the reductions in the projected increases. But, if we look at that budget carefully, it said that everybody who receives a check from Government will have that check increased to compensate for inflation. The only people who are not represented in that budget are the ones who have to pay their own bills as well as paying for the increased checks to everyone who receives.

I am not talking about just people on welfare because there are many who do need more because inflation does rob them of a standard of living. I am talking about everybody in society, every group, every program, every bureaucrat, every person who receives a check from Government whose check was to be increased by the amount of inflation.

The ones who are paying taxes and not receiving from Government have the privilege of seeing their tax increased. They not only have to pay for their own increased living expenses, they also have to pay for the increase that everyone else will get when they get from the Government.

That is what the budget proposal was, and that is what a static-state economy must mean, an economy in which there is a permanent underclass, a frozen strata of society that will no longer have the opportunity that we have stood for throughout the centuries of the existence of this country.

We have celebrated our independence. We have been a nation for over 200 years. But for nearly 400 years the United States and the colonies on this continent, have been the beacon of freedom for people all over the world, the opportunity to break out of the chains of static societies, the opportunity to move into a new land, with new opportunities.

They did not seek new guarantees. They sought new opportunities. People by the tens of millions came to these shores. We built a great land that still has a great deal of opportunity for greater numbers of people than any other society in the history of the world.

Yet, a static-state society, a static-state economy, freezes people into the same kind of rigidity, into the same kind of permanent underclass, that we re-

jected, and our ancestors rejected by the score as they left those old societies and sought new freedoms in this land.

Are we to turn our back now upon the entire history and the entire meaning of the American experiment? Are we to turn our back now on the real successes of this country that have proven that any man and any woman can aspire to any position that they wish to aspire to?

Some do not make it, some do. But the most humble beginnings can end in the most notable successes, and those who have been on top of the heap do not necessarily stay there in our society.

In most other societies, in which we were born to position, we were expected to be what our father was. We were given no opportunity to be different than our parents had been.

Our society says to people, "You are free to make your own choices. You are free to decide what you want to do. You are free to succeed or to fail, according to your ability, your determination, your willingness to work, and, yes, perhaps even according to the luck of the draw. But you are free. You are not frozen into a society that says you must stay where you were born until you die, and your children must stay where they were born until they die, generation upon generation upon generation."

That is what some people who acclaim themselves as being modern liberals would have us do. They would have us turn back to that kind of static-state society, which I think has to be the most immoral of all policies, the most immoral of all strategies, to force upon the American people a renunciation of everything this country has stood for in the centuries of its existence.

The windfall profit tax is but a part of the strategy, an important part. It should be rejected, because it is wrong in taxing theory. It should be rejected because it is a fraud in its title.

If the Government were bound by the truth-in-packaging law that we put upon business, the Members of Congress who came up with the title for this bill could be indicted for fraud, because it is a fraudulent piece of business. It is not a tax upon windfalls; it is not a tax upon profits. But it is wrong because it is a part of the wrong strategy toward the wrong ends for a society that must do with less. It is a policy of defeat, of failure, a policy of cynicism and despair. It is a policy that denies the best aspirations of the most capable people in our society.

For that reason, I hope, as I hoped once before, that this so-called windfall profit tax will be rejected by the Senate.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. BAUCUS). The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ROBERT C. BYRD. Mr. President, there may be Senators who would wish to speak on the conference report, and they may be under the impression that

the Senate is about to go out. But if Senators wish to come to the floor and discuss the conference report, there is plenty of time left today. There is no necessity for going out this early. It is only 22 minutes after 1 o'clock in the afternoon, and I would ask our respective cloakrooms to contact Senators to see if any Senator wishes to come to the floor to speak on the conference report either today or tomorrow.

I will put in another quorum call, and I should think 5 minutes would be sufficient time for the cloakrooms to determine how many Senators wish to come to the floor this afternoon.

There has not been too much said about the conference report so far today, and not very many Senators have spoken. There may be some Senators who are out of town today, who would be in town tomorrow, who would like to speak on it tomorrow. So the offer is still open in the event Senators wish to have the Senate come in tomorrow to debate the pending excess profit tax conference report.

So I would like at this time to determine whether or not there are any Senators who wish to avail themselves of the opportunity this afternoon. There is no standing in line at this point where there are Senators waiting to speak. It would be rather immediate matter for any Senator who wishes to address his remarks to the conference report to come over and be recognized. The afternoon has been set aside for discussion of the conference report. There is no other business, so Senators can come now to the floor and can speak for as long as they wish to speak and feel they will not be holding up any other business.

As I say, the cloakrooms should let Senators know that this opportunity is here, and also that tomorrow the Senate can be in session if there are those who feel compelled to wait until tomorrow and speak on the conference report.

I will now suggest the absence of a quorum while I await the action of Senators, if there are any. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ROBERT C. BYRD. Mr. President, Mr. PROXMIER will shortly address the Senate. I ask unanimous consent that upon his completing his remarks the Senate stand recessed awaiting the call of the Chair.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. PROXMIER. Mr. President, I thank my good friend, the majority leader, for his generosity and I appreciate it very much.

GENOCIDE: THE UGLY DETAILS

Mr. PROXMIER. Mr. President, the last time I spoke on the Genocide Convention I made the comparison between Nazi Germany and Cambodia. The immensity and horror of such wanton

destruction of life is appalling. Six million Jews, and then 3 million Cambodians. At least 9 million victims stand as a legacy to genocide in the last 40 years alone.

But what do such numbers mean? Their immensity numbs the mind. The suffering and the agony of so many are incalculable, almost incomprehensible. Impersonal statistics blur our vision of the pain the victims suffer and emotionally separate us from it.

Take highway accidents as an example. What sort of feeling do you experience when you read the weekend fatality count? How differently you feel if a close friend is one of those statistics.

Let us take genocide at the same gut level. The Diary of Anne Frank made the horror of Nazi atrocities real. When reading the diary you feel and think and fear with somebody whose very life is at stake. Genocide is made real when we confront it on an individual basis. No cold, indifferent statistics separate us from genocide's ugly specter.

Unfortunately, we will never have testimony from many of those who would bear witness to this excruciating horror. They are silent. They are dead. That is why we must pay attention to the stories that do emerge.

Sydney Schanberg of the New York Times has just such a story. Schanberg's story which appeared in the New York Times magazine on January 20 concerns the long agonizing journey of his friend Dith Pran out of Khmer Rouge's Cambodia. I cannot hope to capture Schanberg's eloquence in a short quote. I will not try. I do urge my colleagues to read the entire piece.

The article is incredibly moving, descriptive, and finally heartening.

This is one of those rare occasions when this kind of a story has a happy ending. But that happy ending is tempered by the hell Dith Pran endured throughout his escape and by the knowledge that so many more endings in Cambodia were not happy but tragic.

Dith Pran's story is not a fairytale. He cannot live happily ever after having once endured this harrowing ordeal. We of the world have an obligation to censure those responsible for the destruction of his people. It is our moral duty to continue this story by formalizing procedures to punish those responsible for genocide.

Mass murder in Cambodia is staggering in its immensity, but somehow incomprehensible. Dith Pran saw brutal death close up, in all its disgusting, callous, brutal hideousness. We should gain perspective based on his suffering.

When I call for ratification of the Genocide Convention, I am not appealing to merely subjective, emotional arguments. Genocide appalls us at every level of rational thought. Nobody can disinterestedly rationalize genocide. It is an attempt to deny an entire group the right to life. We must formally condemn this despicable act. The Genocide Convention does this.

I ask that the Senate consider this intimate look at mass murder when they listen to arguments against ratification. The American Bar Association has no objections to this treaty. Supreme Court

Justice Earl Warren called for ratification. Every President since Harry Truman—Democratic and Republican—has asked Senate consent for ratification. There simply are no valid moral or constitutional objections to this treaty that has been pending now for more than 30 years. It was originated by the United States at the United Nations and still awaits only Senate action for ratification, but has waited, as I say, for 30 years for action by this body.

The unsubstantiated arguments against the treaty appear puny when compared with the immensity of suffering by just one individual who survived. But how much more so when compared with the millions who died?

Mr. President, I urge my colleagues to read Sydney Schanberg's penetrating article. I am not going to ask that it be printed in the Record, because it is a very long article and I am conscious of the fact that we should do everything we possibly can to economize these days, even in the matter of saving a couple thousand dollars.

So I am not going to ask that the text be printed, but I once again call the attention of my colleagues to the fact that this article appears in the New York Times magazine on January 20 and is available if Members of Congress will request it from the Library of Congress or from their own files.

ARTHUR SCHOENHAUT

Mr. PROXMIER. Mr. President, on the 29th of February, the U.S. Government lost one of its most valuable public servants. On that date Mr. Arthur Schoenhaut, Executive Secretary of the Cost Accounting Standards Board, retired. There can be no question that it is a retirement well earned. Mr. Schoenhaut was a tireless worker who devoted himself unstintingly to improving the world of financial management and Government procurement. Mr. Schoenhaut's career began in 1950 as a trainee with the General Accounting Office. Rising to Deputy Director of GAO's Civil Division, Mr. Schoenhaut was one of the driving forces that converted the GAO from an organization that largely performed voucher audits to one that comprehensively audits, investigates and reviews the efficiency and effectiveness of the myriad of Government programs.

Mr. President, yesterday I received a letter from the present head of the GAO who told me that it had saved \$20 billion last year. This is an indication of the great benefit that this organization provides for the taxpayers.

Upon leaving the GAO, Mr. Schoenhaut became Deputy Controller of the then Atomic Energy Commission, and infused it with the same dedication, energy and skill that he had brought to the GAO.

During the past decade as the Executive Secretary of the Cost Accounting Standards Board, his achievements have been particularly notable. He was confronted with the formidable tasks of assembling for the newly created Board a competent staff, initiating programs that would accomplish the goals set by law, and ultimately producing cost account-

ing standards that could be used effectively in the Government procurement process. The CASB was created in 1971 by a bill which I had sponsored. It was charged with the responsibility to promote greater efficiency in Government contracting by developing cost accounting standards. This was a very challenging assignment and the staff of the CASB, under Art Schoenhaut's leadership has met the challenge. Each task was performed with thoroughness and precision. The Cost Accounting Standards Board has been so effective in carrying out its mission that in testimony before the Congress the Chairman of the Board recently was able to confirm "substantial completion of the major task assigned to it by Public Law 91-379." This record of accomplishment in very substantial part is attributable to the tenacious determination with which Mr. Schoenhaut approached the fulfillment of his responsibilities.

As chairman of the committee with principal oversight responsibility over the CASB I have on several occasions called upon Art Schoenhaut's expertise as a witness before the committee. Without exception, he has been candid, forthright, and illuminating in his descriptions of the CASB and its mission.

Although we wish him well in his retirement, we also recognize that we have lost a public servant of exceptional ability—one who will be difficult, if not impossible, to replace.

Mr. President, I understand that the Senator from Virginia (Mr. HARRY F. BYRD, JR.) will speak next, and then the Senate will recess subject to the call of the Chair.

The PRESIDING OFFICER. The Senator from Virginia.

A BALANCED FEDERAL BUDGET

Mr. HARRY F. BYRD, JR. Mr. President, this week the Judiciary Committee of the Senate voted against sending to the Senate a proposed constitutional amendment to mandate a balanced Federal budget. The vote in committee was very close, with only a one-vote difference.

I had hoped that the Senate would have had the opportunity to vote one way or the other on this important matter. I recognize, of course, that the committee was exercising its own privileges and responsibilities in making the decision it did.

I heard today that an effort may be made in the committee to bring to the Senate floor a statute requiring a balanced budget.

I want to point out that such action would be totally superfluous. There is on the statute books now legislation mandating a balanced budget beginning with fiscal year 1981. That is Public Law 95-435, section 7. That legislation passed the Senate in the early fall of 1978. I introduced that amendment on the floor of the Senate. It was approved in a roll-call vote. The House of Representatives took the very unusual step of instructing its conferees to accept the Byrd amendment. The President of the United States signed that legislation, namely, Public Law 95-435, on October 10, 1979.

So we now already have on the statute books legislation requiring a balanced budget.

Of course, the constitutional amendment would be stronger than a statute. I think it would be well if the Senate and the various States could have an opportunity to express their views one way or the other on a constitutional amendment.

My only purpose in speaking today on this matter is that I want to point out that there is already on the statute books a statute. So there would be no point in enacting another statute on the same subject.

RECESS SUBJECT TO THE CALL OF THE CHAIR

Mr. HARRY F. BYRD, JR. Mr. President, I move that the Senate now stand in recess subject to the call of the Chair.

The motion was agreed to, and at 1:48 p.m. the Senate took a recess, subject to the call of the Chair.

The Senate reassembled at 1:56 p.m. when called to order by the Presiding Officer (Mr. BAUCUS).

CONSTITUTIONAL RIGHTS OF INSTITUTIONALIZED PERSONS

Mr. ROBERT C. BYRD. Mr. President, I ask the Chair to lay before the Senate a message from the House of Representatives on H.R. 10.

The PRESIDING OFFICER (Mr. BAUCUS) laid before the Senate a message from the House of Representatives announcing its disagreement to the amendment of the Senate to the bill (H.R. 10) to authorize actions for redress in cases involving deprivations of rights of institutionalized persons secured or protected by the Constitution or laws of the United States and requesting a conference with the Senate on the disagreeing votes of the two Houses thereon.

Mr. ROBERT C. BYRD. Mr. President, I move that the Senate insist upon its amendment and agree to the request of the House for a conference on the disagreeing votes of the two Houses thereon, and that the Chair be authorized to appoint the conferees on the part of the Senate.

The motion was agreed to; and the Presiding Officer appointed Mr. BAYH, Mr. METZENBAUM, Mr. DECONCINI, Mr. HEFLIN, Mr. HATCH, Mr. THURMOND, and Mr. COCHRAN as conferees on the part of the Senate.

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. Saunders, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session, the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations and a withdrawal, which were referred to the appropriate committees.

(The nominations and withdrawal received today are printed at the end of the Senate proceedings.)

REPORT OF THE UNITED STATES NUCLEAR REGULATORY COMMISSION—MESSAGE FROM THE PRESIDENT—PM 188

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with an accompanying report, which was referred to the Committee on Environment and Public Works:

To the Congress of the United States:

I hereby transmit the Fourth Annual Report of the United States Nuclear Regulatory Commission as required by Section 307(c) of the Energy Reorganization Act of 1974. This report covers the major activities of the Commission from October 1, 1977 through September 30, 1978, and briefly describes some additional actions through December 31, 1978.

Subsequent to the activities covered in this report, the March 1979 incident at Three Mile Island dramatically illustrated the shortcomings in the operations of the NRC. In April of 1979, I appointed the Presidential Commission on the Accident at Three Mile Island to conduct a comprehensive study and investigation of the accident involving that nuclear power facility. The Commission has submitted recommendations for extensive reform and reorganization of the operations of the NRC, many of which were outlined in my response to the Three Mile Island Commission's report on December 7, 1979. With the help of the Congress, the Commission's recommendations are being discussed and implemented. Future reports will reflect the steps that are now being taken.

JIMMY CARTER.

THE WHITE HOUSE, March 21, 1980.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, which were referred as indicated:

EC-3300. A communication from the Deputy Assistant Secretary of Defense (Military Personnel Policy) reporting, pursuant to law, relating to special pay for duty subject to hostile fire; to the Committee on Armed Services.

EC-3301. A communication from the Under Secretary of Defense, Research and Engineering, transmitting, pursuant to law, a report of Independent Research and Development and Bid Proposal Costs; to the Committee on Armed Services.

EC-3302. A communication from the Under Secretary of Defense, Research and Engineering, transmitting pursuant to law, annual reports on Independent Research and development and Bid and Proposal Costs; to the Committee on Armed Services.

EC-3303. A communication from the Secretary of Commerce, transmitting, pursuant to law, the Export Administration Report covering the fourth quarter of 1978 and the first quarter of 1979; to the Committee on Banking, Housing, and Urban Affairs.

EC-3304. A communication from the Chairman of the Federal Deposit Insurance Corporation, transmitting, pursuant to law, the fifth annual report of the Federal Deposit Insurance Corporation's Office of Compliance Programs; to the Committee on Banking, Housing, and Urban Affairs.

EC-3305. A communication from the Secretary of Energy, transmitting, pursuant to law, the third Comprehensive Program and Plan for Federal Energy Education, Extension and Information Activities; to the Committee on Energy and Natural Resources.

EC-3306. A communication from the Administrator, General Services Administration, transmitting, pursuant to law, a prospectus which proposes the construction of the Otay Mesa Border Station, San Diego, Calif.; to the Committee on Environment and Public Works.

EC-3307. A communication from the Administrator, General Services Administration, transmitting, pursuant to law, a prospectus which proposes the construction of the San Luis, Arizona, Border Station; to the Committee on Environment and Public Works.

EC-3308. A communication from the Administrator, General Services Administration, transmitting, pursuant to law, a prospectus which proposes the extension, repair, and alteration to the Little Rock, Ark., U.S. Post Office-Courthouse; to the Committee on Environment and Public Works.

EC-3309. A communication from the Secretary of Transportation, transmitting, pursuant to law, a report on administration of Title I, Marine Protection, Research, and Sanctuaries Act (MPRSA); to the Committee on Environment and Public Works.

EC-3310. A communication from the Secretary of Health, Education, and Welfare, transmitting, pursuant to law, a report on State Medicaid program compliance with section 1903(g) of the Social Security Act; to the Committee on Finance.

EC-3311. A communication from the Chairman, Nuclear Regulatory Commission, transmitting, pursuant to law, comments on the GAO report entitled "The Nuclear Regulatory Commission: More Aggressive Leadership Needed"; to the Committee on Governmental Affairs.

EC-3312. A communication from the Executive Director, Board for International Broadcasting, reporting, pursuant to law, with respect to the Government in the Sunshine Act; to the Committee on Governmental Affairs.

EC-3313. A communication from the General Counsel, Export-Import Bank of the United States, transmitting, pursuant to law, a report relating to the Government in the Sunshine Act; to the Committee on Governmental Affairs.

EC-3314. A communication from the Executive Secretary to the Department of Health, Education, and Welfare, transmitting, pursuant to law, a report on a new system of records; to the Committee on Governmental Affairs.

EC-3315. A communication from the FOIA Administrator, International Boundary and Water Commission, United States and Mexico, transmitting, pursuant to law, a report relating to administration of the Freedom of Information Act; to the Committee on the Judiciary.

EC-3316. A communication from the President, United States Railway Association, reporting, pursuant to law, with respect to administration of the Freedom of Information Act; to the Committee on the Judiciary.

EC-3317. A communication from the Deputy Director for Administration, Central Intelligence Agency, transmitting, pursuant to law, a report on the administration of the Freedom of Information Act; to the Committee on the Judiciary.

EC-3318. A communication from the Comptroller General of the United States,

transmitting, pursuant to law, a report entitled "Nuclear Fuel Reprocessing and the Problems of Safeguarding Against the Spread of Nuclear Weapons," March 18, 1980; to the Committee on Energy and Natural Resources, the Committee on Foreign Relations, and the Committee on Governmental Affairs, jointly, by unanimous consent.

Mr. HEFLIN. Mr. President, I ask unanimous consent that a communication transmitted by the Comptroller General, relative to nuclear fuel reprocessing and safeguarding against the spread of nuclear weapons, be referred jointly to the Committee on Energy and Natural Resources, the Committee on Foreign Relations, and the Committee on Governmental Affairs.

The PRESIDING OFFICER. Without objection, it is so ordered.

EC-3319. A communication from the Chairman and Executive Director, Pension Benefit Guaranty Corporation, transmitting, pursuant to law, the corporation's fourth annual report; to the Committee on Labor and Human Resources and the Committee on Finance, jointly, by unanimous consent.

Mr. HEFLIN. Mr. President, I ask unanimous consent that a communication transmitted by the Chairman of the Board of Directors and the Executive Director, Pension Benefit Guaranty Corporation, transmitting the corporation's annual report, be referred jointly to the Committee on Labor and Human Resources and the Committee on Finance.

The PRESIDING OFFICER. Without objection, it is so ordered.

PETITIONS AND MEMORIALS

The following petitions and memorials were laid before the Senate and were referred or ordered to lie on the table, as indicated:

POM-597. A petition adopted by the Senate of the State of Arizona; to the Committee on Labor and Human Resources:

"SENATE PETITION, STATE OF ARIZONA

"Whereas, under the Railroad Retirement Act of 1974 annuities are payable to surviving widows, widowers, children and certain other dependents and over three hundred thousand widows and widowers are currently on the Railroad Retirement Board's annuity rolls; and

"Whereas, the current law provides a reduced annuity for the surviving spouse of a retired annuitant in an amount that is below the poverty level as determined by the United States Labor Department; and

"Whereas, the impact of inflation and the lower benefits for the surviving spouse of a retiree have caused great hardship on the surviving spouse at a time when the spouse has lost the aid and companionship of a partner and must eke out an existence to the best of his ability;

"Now, therefore, be it resolved by the Senate of the State of Arizona that the United States Senate, the Senate Committee on Labor and Human Resources and the Arizona delegation to the Congress of the United States are requested to support the passage of Senate Bill 393 that will increase the benefits payable to the surviving spouse of a retired railroad employee to the same level as that paid to the employee prior to his death; and

"Be it further resolved that copies of this petition be transmitted to the President Pro Tempore of the United States Senate, the

United States Senate Committee on Labor and Human Resources, the Speaker of the United States House of Representatives and to each member of the Arizona delegation to the Congress of the United States."

POM-598. A concurrent resolution adopted by the Legislature of the State of Utah; to the Committee on Environment and Public Works:

"CLEAN AIR ACT RESOLUTION 1980

"Be it resolved by the Legislature of the State of Utah, the Governor concurring therein:

"Whereas, the Federal Clean Air Act gives authority to the State of Utah to develop and adopt revisions in State Implementation Plans and the state has adopted such revisions; and

"Whereas, the Act provides that the Environmental Protection Agency shall approve revisions which meet the requirements of the Act; and

"Whereas, these amendments also confirm that the State of Utah has the primary responsibility to determine Reasonably Available Control Technology which is required as part of the plan revision.

"Now, therefore, be it resolved, that the Budget Session of the 43rd Legislature of the State of Utah, the Governor concurring therein, urge the Environmental Protection Agency to accept the definition of Reasonably Available Control Technology as outlined in the State Implementation Plan as determined by the State of Utah based on specific needs and circumstances consistent with the Clean Air Act of 1977.

"Be it further resolved that the Secretary of State forward copies of this resolution to each member of the Congressional delegation from the State of Utah, the Speaker of the United States House of Representatives, the President Pro Tempore of the United States Senate, and the President of the United States."

POM-599. A resolution adopted by the Legislature of the State of Massachusetts; to the Committee on Foreign Relations:

"RESOLUTION MEMORIALIZING THE CONGRESS OF THE UNITED STATES TO RECOGNIZE THE CONTRIBUTIONS OF THE IRISH PEOPLE TO OUR NATION

"Whereas, Recognizing the many contributions of men and women of Irish blood to the building of our great Nation and to the Cause of Freedom everywhere since the earliest times; and

"Whereas, Recognizing the fact that Ireland is artificially partitioned against the wishes of the overwhelming majority of the Irish people; and

"Whereas, Recognizing that Irish people in the six-county area known as 'Northern Ireland' are denied basic civil and human rights, and are unable to obtain adequate protection from attack or equal justice under law; and

"Whereas, The explosive situation in 'Northern Ireland' is an unreasonable threat to the peace and is therefore the legitimate concern of all men; and

"Whereas, It is in the best interests of the United States that there be a just and equitable solution to this problem; and

"Whereas, For humanitarian reasons, as well as out of respect for the principles of freedom, liberty, justice, natural law, and history, we hereby take notice of the deplorable state of affairs in Ireland; therefore be it

"Resolved, That the General Court of Massachusetts memorializes and petitions the Congress of the United States to express the opinion that the Irish people ought to be permitted to exercise the right of national self-determination, thus returning the disputed six counties to the Irish Republic,

unless a clear majority of all of the people of Ireland in a free and open plebiscite, determine to the contrary; and be it further

"Resolved, That copies of these resolutions be sent forthwith by the Clerk of the House of Representatives to the President and Vice-president of the United States, the Secretary of State, the presiding officer of each branch of Congress and to the members thereof from this Commonwealth."

POM-600. A resolution adopted by the Senate of the State of Massachusetts; to the Committee on Veterans' Affairs:

"RESOLUTION MEMORIALIZING THE CONGRESS OF THE UNITED STATES TO ENACT LEGISLATION RELATIVE TO MEETING THE SPECIAL PROBLEMS OF THE VIETNAM VETERAN

"Whereas, the policy of the United States concerning veterans has been to grant assistance to resolve the ordinary and extraordinary problems which have arisen in their individual lives because of their military service to their country; and

"Whereas, A Veterans Administration study has recently been released which documents and accentuates the continuing adjustment problems and the inadequacies of the G.I. benefits granted to the Vietnam veteran to resolve such problems; and

"Whereas, Congress has become more aware of the needs of the Vietnam veterans in the fields of employment and health with a particular focus on diseases contracted by said veterans while in Vietnam, such as those causally related to the defoliant, agent orange, and also in the field of psychological problems arising from both their service in Vietnam and their readjustment upon their return to the country for which they fought; therefore be it

"Resolved, That the Massachusetts General Court respectfully urges the Congress of the United States to support the recommendations of its Subcommittees on Veterans Affairs in order to hasten the assistance needed by the Vietnam veterans; and be it further.

"Resolved, That Congress demand more constructive, diligent and forceful action on the part of the Veterans Administration in the implementation of laws enacted to assist veterans; and be it further

"Resolved, That copies of these resolutions be transmitted forthwith by the Clerk of the Senate to the United States Committee on Veterans Affairs, the Administrator of the Veterans Administration, the presiding officer of each branch of Congress and to each member thereof from this Commonwealth."

POM-601. A joint memorial adopted by the Legislature of the State of Idaho; to the Committee on Finance.

"SENATE JOINT MEMORIAL No. 107

"Whereas, the Congress has enacted rigorous and inflexible provisions upon states concerning eligibility requirements for recipients of programs administered under the Social Security Act, and particularly for recipients of Medicaid benefits; and

"Whereas, these inflexible provisions have failed to provide eligibility sanctions upon aged, blind or disabled persons who dispose of real or personal property without receiving or making good faith effort to receive adequate monetary compensation for such property which could be used to meet medical needs thereby forestalling and reducing public expenditures to meet those needs; and

"Whereas, it is not in the best interests of the national government, the several states, all taxpayers, legitimately eligible recipients, or ineligible applicants for this practice to continue.

"Now, therefore, your Memorialists do petition the Congress of the United States to amend the Social Security Act to deny pay-

ment to persons who dispose of real property and other assets in order to qualify such persons for Medicaid payments or other benefits.

"It is further resolved that the Secretary of the Senate be, and she is hereby authorized and directed to forward copies of this Memorial to the President of the Senate and the Speaker of the House of Representatives of Congress, to the Chairman of the Senate Finance Committee, to the Chairman of the House of Representatives Ways and Means Committee, and to the Senators and Representatives representing the State of Idaho in the Congress."

POM-602. A concurrent resolution adopted by the Legislature of the State of Idaho; to the Committee on the Judiciary:

"SENATE CONCURRENT RESOLUTION No. 132

"Whereas, the Legislature finds it would be in the interest of the citizens of Idaho to have an amendment to the Constitution of the United States guaranteeing the right to life to all human beings from the moment of conception.

"Whereas, under Article V of the Constitution of the United States, upon the application of the Legislatures of two-thirds of the several states the Congress shall call a constitutional convention for the purpose of proposing amendments.

"Now, therefore, be it resolved by the members of the Second Regular Session of the Forty-fifth Idaho Legislature, the members of the Senate and the House of Representatives concurring, that we hereby make application and request that the Congress of the United States call a constitutional convention for the specific and exclusive purpose of proposing an amendment to the United States Constitution to consider the following:

"(a) From the moment of conception a person shall be guaranteed all personal rights extended to all individuals under the constitution and laws of the United States of America and the state or states of residence and only under extreme circumstances shall it be otherwise; namely, to save the life of the mother, or other extenuating circumstances where at least two consulting physicians, one not having previously been involved in the case, and after due and thorough consultation with all persons having the legal right to be involved, find it is necessary and just that the life of the unborn shall be terminated.

"(b) Provide that the several states shall have the power to enforce such an amendment, and establish priority of life by appropriate legislation.

"Be it further resolved that the Legislature of the State of Idaho proposes that the Legislature of each of the several states comprising the United States apply to the Congress requiring the Congress to call a constitutional convention for proposing such an amendment to the United States Constitution.

"Be it further resolved that the constitutional convention applied for herein shall be held for the sole purpose of considering a constitutional amendment as proposed herein. This application and request shall be deemed null and void, rescinded and of no effect in the event that such convention not be limited to such specific and exclusive purpose.

"Be it further resolved that this application by this Legislature constitutes a continuing application in accordance with Article V of the Constitution of the United States until at least two-thirds of the Legislatures of the several states have made similar applications pursuant to Article V, but if Congress proposes an amendment to the Constitution identical in subject matter to that contained in this resolution then this petition for a constitutional convention shall no longer be of any force or effect; and

Be it further resolved that the Secretary

of the Senate be, and she is hereby authorized and directed to forward copies of this Resolution to the President of the Senate and the Speaker of the House of Representatives of the Congress of the United States, the presiding officers of both Houses of the Legislature of each of our sister states in the Union, and the members of the delegation representing the State of Idaho in the Congress of the United States."

POM-603. A joint memorial adopted by the Legislature of the State of Idaho; to the Committee on Energy and Natural Resources:

"SENATE JOINT MEMORIAL No. 111

"Whereas, the United States is facing a severe crisis in energy production; and

"Whereas, the technology now exists in this country to substantially solve this energy lack; and

"Whereas, it has been demonstrated that a practical and economical method to achieve a higher degree of self-sufficiency in electrical energy production is through the use of fast breeder reactors to form a symbiotic system with light water reactors; and

"Whereas, the Idaho National Engineering Laboratory is an ideally located facility for a demonstration project.

"Now, therefore, be it resolved by the members of the Second Regular Session of the Forty-fifth Idaho Legislature, the Senate and the House of Representatives concurring therein, that the federal government proceed with all deliberate speed to plan, authorize, develop, construct, and operate a commercial sized fast breeder nuclear reactor, to produce electrical energy in commercial quantities for wholesale to utilities in the Intermountain West and the Pacific Northwest, at the Idaho National Engineering Laboratory.

"Be it further resolved that the Secretary of the Senate be, and she is hereby authorized and directed to forward copies of this Memorial to the President of the United States, Jimmy Carter, to the Secretary of the Department of Energy, Charles Duncan, to the Chairman of the Nuclear Regulatory Commission, John Ahearne, to the President of the Senate and the Speaker of the House of Representatives of Congress, and the honorable congressional delegation representing the State of Idaho in the Congress of the United States."

POM-604. A resolution adopted by the Senate of the State of Massachusetts; to the Committee on Appropriations:

"RESOLUTIONS MEMORIALIZING THE CONGRESS OF THE UNITED STATES TO PROVIDE ADEQUATE FUNDING FOR BASIC BIOMEDICAL RESEARCH

"Whereas, leaders in the field of medical research have affirmed that current medical technologies provide care at extremely high cost, and that definite technologies provide a cure and prevention at a relatively low cost; and

"Whereas, articles by Lewis Thomas, M.D., President, Memorial Sloan-Kettering Cancer Center, John H. Knowles, M.D., President, Rockefeller Foundation and others affirm that the solution of fundamental long range health problems of the aged must rest on an adequate program of biomedical research; Now, therefore be it

"Resolved, that the Massachusetts Senate respectfully urges the Congress of the United States to provide adequate funding for basic biomedical research for the establishment of definitive technologies that will bring about a cure, or that are preventive, to cope with chronic diseases and illness; and be it further

"Resolved, that a copy of these resolutions be transmitted forthwith by the clerk of the Senate to the Presiding Officer of each branch of Congress and to the members thereof from the Commonwealth."

POM-605. A resolution adopted by the

Legislature of the State of Massachusetts; to the Committee on Finance:

"RESOLUTIONS MEMORIALIZING THE CONGRESS OF THE UNITED STATES TO ENACT LEGISLATION EXTENDING THE FEDERAL REVENUE SHARING PROGRAM BEYOND ITS PRESENT EXPIRATION DATE IN OCTOBER OF NINETEEN HUNDRED AND EIGHTY

"Whereas, Federal revenue sharing represents 7.2 percent of the total budget (excluding enterprises and education funds) of municipalities in Massachusetts; and

"Whereas, The last monies will be received in October, nineteen hundred and eighty unless Congress votes to extend this program in its present form; therefore be it

"Resolved, That the Massachusetts General Court respectfully urges the Congress of the United States to continue the federal revenue sharing program for municipalities beyond its present expiration date in October, nineteen hundred and eighty; and be it further

"Resolved, That copies of these resolutions be transmitted forthwith by the Clerk of the Senate to the President of the United States, the presiding officer of each branch of Congress and to the members thereof from this Commonwealth."

POM-606. A resolution adopted by the Legislature of the State of Massachusetts; to the Committee on Appropriations:

"RESOLUTIONS MEMORIALIZING THE CONGRESS OF THE UNITED STATES TO APPROPRIATE CERTAIN FUNDS TO ESTABLISH AND MAINTAIN AN HONOR SQUAD TO PARTICIPATE IN THE BURIAL OF CERTAIN VETERANS

"Whereas, As a tribute to our deceased veterans there should be, upon request of their families, an honor squad available to participate in the burial services of said veterans; therefore be it

"Resolved, That the Massachusetts General Court respectfully urges the Congress of the United States to enact legislation to appropriate funds to establish and maintain an honor squad to participate in the burial of deceased veterans; and be it further

"Resolved, That copies of these resolutions be transmitted forthwith by the Clerk of the Senate to the President of the United States, the presiding officer of each branch of Congress and to the members thereof from this Commonwealth."

POM-607. A resolution adopted by the Senate of the State of Massachusetts; to the Committee on Commerce, Science, and Transportation:

"RESOLUTIONS MEMORIALIZING THE CONGRESS OF THE UNITED STATES TO ENACT LEGISLATION REQUIRING ALL PUBLICLY LICENSED RADIO AND TELEVISION STATIONS TO BROADCAST ONE MINUTE OF PUBLIC INFORMATION ANNOUNCEMENTS IN EACH BROADCAST HOUR OF PROGRAMMING

"Whereas, there is a responsibility on the part of radio and television stations to use the public airwaves for the benefit of the public; and

"Whereas, there is a general lack of public knowledge concerning a host of health care issues such as birth defects, lead poisoning, nutrition, hypertension, immunization and child automobile safety; and

"Whereas, this lack of knowledge is a basic contribution factor to the high cost of health care; and

"Whereas, the present number of public service announcements and the hours they are broadcast are wholly inadequate for the purpose of educating the public; now therefore be it

"Resolved, that the Massachusetts Senate respectfully urges the Congress of the United States to enact legislation requiring all public licensed radio and television stations to broadcast one minute of public information announcements in each broadcast hour of programming; and be it further

"Resolved, that copies of these resolutions be transmitted forthwith by the clerk of the Senate to the President of the United States, to the Presiding Officer of each branch of Congress and to the members thereof from this Commonwealth."

POM-608. A concurrent resolution adopted by the Legislature of the State of Indiana; to the Committee on Commerce, Science, and Transportation:

HOUSE CONCURRENT RESOLUTION NO. 2

"Whereas, There are eighty-seven "AM" radio stations licensed by the Federal Communications Commission to serve the citizens of the State of Indiana; and

"Whereas, Fifty of these "AM" radio stations are forced by FCC regulations to shut down and cease serving their respective communities at sunset daily; and

"Whereas, Thirty-six of these stations are located in communities which have no other local "AM" broadcast service at night; and

"Whereas, These thirty-six stations are the only local "AM" service for approximately 1,200,000 of the citizens of Indiana; Therefore,

"Be it resolved by the House of Representatives of the General Assembly of the State of Indiana, the Senate Concurring:

"Section 1. That the Indiana General Assembly urges the Congress of the United States, to enact legislation which orders the Federal Communications Commission to examine the use of the amplitude modulation (AM) radio broadcast band and assign such spectrum and distribute licenses so as to ensure that each community in the United States, regardless of size, to be provided with the maximum local full-time radio broadcasting service.

"Sec. 2. That the Principal Clerk of the House of Representatives is directed to transmit copies of this resolution to the leadership of both Houses of Congress and to each member of Congress representing the people of Indiana."

POM-609. A concurrent resolution adopted by the Legislature of the State of Indiana; to the Committee on Finance:

HOUSE CONCURRENT RESOLUTION NO. 44

"Whereas, The federal income tax laws are so unfair to married persons that some married couples are obtaining divorces to obtain a tax advantage; and

"Whereas, It ought to be the public policy of the United States to encourage the preservation of marriage by its laws, not to encourage the dissolution of that holy state; and

"Whereas, The Congress of the United States has the power to amend the tax laws to promote the preservation of marriages and provide fairness to all; Therefore,

"Be it resolved by the House of Representatives of the General Assembly of the State of Indiana, the Senate Concurring:

"Section 1. The General Assembly of the State of Indiana urges the Congress of the United States to enact legislation giving married persons the option of filing federal income tax returns jointly as a married couple or individually as single persons.

"Section 2. That the Principal Clerk of the House of Representatives is directed to transmit copies of this resolution to the leadership of both Houses of Congress, to each Member of Congress representing the people of Indiana, and to the Leader in each House of the Legislature in every state."

POM-610. A concurrent resolution adopted by the Legislature of the State of Indiana; to the Committee on Energy and Natural Resources:

HOUSE CONCURRENT RESOLUTION NO. 82

"Whereas, there is presently pending in the United States Congress House Bill 2742 and

Senate Bill 599, both of which seek to extend the boundaries of the Indiana Dunes National Lakeshore Park; and

"Whereas, the original boundaries of said Indiana Dunes National Lakeshore Park were fixed when the park was created in the early 1960's; and

"Whereas, in almost every session of the United States Congress since that date there have been attempts made to expand and redefine the boundaries of said Indiana Dunes National Lakeshore Park; and

"Whereas, the Indiana General Assembly has determined that said continual attempts to change and redefine said boundaries of the Indiana Dunes National Lakeshore Park are not in the best interests of the State of Indiana and especially the residents and industries located in proximity to and threatened by said expansion plans; and

"Whereas, the Indiana General Assembly is of a strong opinion that said boundaries should be defined once and for all so that all appropriate agencies of the Federal and State Governments can make appropriate plans based upon defined areas in which said Indiana Dunes National Lakeshore Park shall be located and the residents and industries near by will not be continually threatened by having their property condemned and their property values undermined by the constant threat of being taken over by the Indiana Dunes National Lakeshore Park; Therefore,

"Be it resolved by the House of Representatives of the Indiana General Assembly of the State of Indiana the Senate concurring: "Section 1. The Congress of the United States is hereby memorialized by the Indiana General Assembly that the boundaries of said Indiana Dunes National Lakeshore Park should be finally determined and fixed by Senate Bill 599 and House Bill 2742 in the 1980 Session of Congress and that no further attempts be made to redefine the boundaries of said Indiana Dunes National Lakeshore Park.

"Sec. 2. The Principal Clerk is directed to send copies of this resolution to each member of Congress from the State of Indiana and to the Speaker of the House of Representatives and the President of the Senate of the Congress of the United States."

POM-611. A concurrent resolution adopted by the Legislature of the State of Indiana; to the Committee on Environment and Public Works:

HOUSE CONCURRENT RESOLUTION NO. 13

"Whereas, The Environmental Protection Agency has proposed regulations for heavy duty engines manufactured in 1983 and after, and

"Whereas, The proposed regulations do not conform to the requirements established by Congress in the 1977 amendments to the Clean Air Act; and

"Whereas, The proposed regulations are wholly inconsistent with Congressional intent, or deny due process, or both; and

"Whereas, Because of the large expenditures which would be required, the regulations would contribute significantly to inflationary pressures, yet provide minimal air quality benefits; Therefore,

"Be it Resolved by the House of Representatives of the General Assembly of the State of Indiana, the Senate concurring:

"Section 1. That the Congress take appropriate measures to compel the Environmental Protection Agency to:

"(1) formally notify interested parties to treat the proposed emission regulations as an advanced notice of the agency's rulemaking intent;

"(2) either immediately propose 1983 standards based upon the existing test procedure or afford four years lead time for compliance with those regulations that are subsequently demonstrated to be necessary and sound; and

"(3) continue work to develop the other elements of a sound regulatory program and at such time as a meaningful and technically valid regulatory scheme is developed, repropose the regulation consistent with the tenets of fundamental due process, the requirements of the act, and with an effective date four years subsequent to the promulgation of the regulation.

"Sec. 2. That the Principal Clerk of the House of Representatives is directed to transmit copies of this resolution to the leadership of both houses of Congress and to each member of Congress representing the people of Indiana."

POM-612. A resolution adopted by the Senate of the State of Washington; to the Committee on Foreign Relations:

"SENATE RESOLUTION 1980-165

"Whereas, The members of the Washington State Senate believe that the continued Soviet aggression in and occupation of the nation of Afghanistan poses a grave threat to world peace; and

"Whereas, One hundred three other nations of the world have joined with the United States in calling for the immediate, unconditional and total withdrawal of Soviet troops from Afghanistan; and

"Whereas, the Secretary General of the United Nations has declared the resolution calling for troop withdrawal from Afghanistan is "an appeal to the international community" to act; and

"Whereas, The Soviet Union has expressed complete contempt for and utter disregard of all international forums and their opinions; and

"Whereas, The 1980 Summer Olympics are scheduled to begin in Moscow on July 19, 1980; and

"Whereas, There is reason to believe that Soviet troops will, in the face of world wide condemnation, be occupying by aggression the Nation of Afghanistan on the starting date of the Summer Olympics; and

"Whereas, The leadership of the Soviet Union has demonstrated an inability or unwillingness to conform to at least a minimal level of civilized conduct; and

"Whereas, It would not be possible to provide for the security of our athletes and spectators, and the athletes and spectators of other countries at the Moscow games; and

"Whereas, The sixth, twelfth and thirteenth Olympiads were cancelled altogether due to World Wars; and

"Whereas, The only difference between the Soviet invasion of Afghanistan and a World War is one of scope not savagery;

"Now, therefore, be it resolved, That the Washington State Senate requests that the International Olympic Committee relocate the XXII Summer Olympiad to a country whose concept of civilized conduct more closely reflects the philosophy of the Olympics than does that of the Soviet Union; and

"Be it further resolved, That the Secretary of the Senate is hereby instructed to transmit copies of this resolution to the International Olympic Committee, the United States Olympic Committee, the President of the United States, the President of the United States Senate, the Speaker of the United States House of Representatives, and the Soviet Embassy in Washington, D.C."

POM-613. A resolution adopted by the Senate of the State of Washington; to the Committee on Labor and Human Resources:

"SENATE RESOLUTION 1980-184

"Whereas, Berry farming is an essential factor in the agricultural economy of the state of Washington that is placed in jeopardy without an available supply of berry pickers; and

"Whereas, Berry picking is primarily performed by the youth of this state; and

"Whereas, Berry picking provides numerous jobs for the youth of our state, especially near urbanized areas, which furnishes our youth with worthwhile activities to occupy their summer vacation time; and

"Whereas, Berry picking fosters a work ethic in our youth that is essential to our nation; and

"Whereas, Regulations by the United States Department of Labor preclude ten and eleven year old youths from picking berries because of the use of particular pesticides even though the Environmental Protection Agency has determined that such pesticides are not harmful;

"Now, therefore, be it resolved, By the Senate of the state of Washington, That jurisdiction over any restriction on berry picking which is based upon the alleged harmful effects of a pesticide, herbicide, or fungicide be removed from the Department of Labor and placed in the Environmental Protection Agency which has expertise in this area, that a public hearing on this matter be held to receive input from affected parties, and that this problem be resolved as soon as possible to avoid hardships in the forthcoming summer; and

"Be it further resolved, That copies of this Resolution be transmitted by the Secretary of the Senate to the Honorable Jimmy Carter, President of the United States, the President of the United States Senate, the Speaker of the House of Representatives, and each member of Congress from the state of Washington."

POM-614. A resolution adopted by the Senate of the State of Washington; to the Committee on Energy and Natural Resources:

"SENATE RESOLUTION 1980-193"

"Whereas, The Yakima River System provides a vital supply of water for one of the state's most productive agricultural areas; and

"Whereas, Changing weather patterns, expanding populations, and the development of additional irrigated acres have resulted in water shortages as well as water of poor quality; and

"Whereas, This shortage has not only caused the loss of crops but also numerous costly lawsuits over the rights to the use of water of the river system, all of which are detrimental to the social and economic well-being of the Yakima Valley; and

"Whereas, The Department of Ecology of the State of Washington, working with the Yakima Indian Nation and others, has developed a proposed Yakima River Basin Water Enhancement Project for resolving the conflicts and suffering arising from water shortages by providing more water for agricultural uses as well as fishery, recreational, and other instream uses; and

"Whereas, The Legislature of the State of Washington has supported this meritorious project by submitting to the state's voters a \$50 million bond issue, and has appropriated funding to facilitate an immediate study; and

"Whereas, On December 28, 1979, President Jimmy Carter signed Public Law 96-162 which authorizes the Secretary of the Department of the Interior to conduct a feasibility study of the Yakima River Basin Water Enhancement Project; and

"Whereas, The Department of Ecology of the State of Washington, by authority of Chapter 263, Laws of 1979 ex. sess., stands ready to transfer the sum of Five Hundred Thousand Dollars to the Secretary of the Department of the Interior for the purpose of financing the initial portion of that study;

"Now, therefore, be it resolved, By the Senate of the State of Washington, That the Senators urge the Honorable Cecil B. Andrus, Secretary of the United States Department of the Interior, to exercise the authority provided him in Public Law 96-162 by initiating

immediately a feasibility study of the Yakima River Basin Water Enhancement Project by processing the study to completion as quickly as is reasonably possible; and

"Be it further resolved, That copies of this resolution be immediately transmitted by the Secretary of the Senate to the Honorable Jimmy Carter, President of the United States, to the President of the United States Senate, to the Speaker of the United States House of Representatives, to the Secretary of the Interior, and to each member of Congress from the State of Washington."

POM-615. A resolution adopted by the Legislature of the State of Washington; to the Committee on the Judiciary:

"SENATE RESOLUTION 1980-202"

"Whereas, the majority of Americans have historically believed in seeking God's protection and guidance through prayer; and

"Whereas, The value of expressing spiritual convictions through public prayer has been recognized as a firm basis on which to conduct public proceedings; and

"Whereas, Supreme Court decisions during the early 1960's have had the effect of severely restricting the practice of any manner of public prayer, although these decisions simply addressed prescribed or compulsory prayer;

"Now, therefore, be it resolved, By the Senate of the state of Washington, that we urge the Congress of the United States to express its belief in the value of voluntary prayer in public schools and at other public gatherings; and

"Be it further resolved, That Congress propose an amendment to the Constitution of the United States to insure that our nation's public school children and participants in other public gatherings be permitted to voluntarily participate in prayer; and

"Be it further resolved, That copies of this Resolution be immediately transmitted to the Honorable Jimmy Carter, President of the United States, the Secretary of Education, the President of the United States Senate, the Speaker of the House of Representatives, and each member of Congress from the state of Washington."

POM-616. A resolution adopted by the Senate of the State of Washington; to the Committee on Veterans' Affairs:

"SENATE RESOLUTION 1980-171"

"Whereas, The Fort George Wright National Cemetery Committee has been established to preserve the historic significance of Fort George Wright Military Cemetery through congressional legislation as a National Cemetery; and

"Whereas, In addition, the Fort George Wright National Cemetery Committee has requested the State of Washington to release to the Federal Government one hundred acres of land west of the present cemetery to provide additional burial spaces for our veterans inasmuch as the cemetery is now considered closed except for a few reserved spaces; and

"Whereas, As of December 31, 1977, there were one hundred eight National Cemeteries under the jurisdiction of the Veterans Administration, none of which are located in Washington, Idaho, Montana or North Dakota; and

"Whereas, There is limited space remaining in only sixty-two of these one hundred eight National Cemeteries; and

"Whereas, The need of a National Cemetery in the State of Washington will grow immeasurably to provide a final resting place for the men who served their country and for their wives and families;

"Now, therefore, be it resolved, By the Senate of the State of Washington, that the Fort George Wright National Cemetery Committee's purpose of preserving the historical significance of the Fort George Wright

Military Cemetery through congressional legislation designating it a National Cemetery be and hereby is endorsed; and

"Be it further resolved, That copies of this resolution be immediately transmitted to the Honorable Jimmy Carter, President of the United States, the President of the United States Senate, the Speaker of the House of Representatives, and each member of Congress from the State of Washington."

POM-617. A resolution adopted by the Senate of the State of Colorado; to the Committee on Environment and Public Works:

"SENATE RESOLUTION No. 6"

"Whereas, The General Assembly of the State of Colorado is currently considering what measures would be the most appropriate to comply with the conditions of the federal "Clean Air Act" for a state implementation plan, including measures other than a periodic inspection-maintenance program for motor vehicles; and

"Whereas, The Environmental Protection Agency may be imposing economic sanctions against the state of Colorado if it does not adopt a strict periodic inspection-maintenance program for motor vehicles; now, therefore,

"Be It Resolved by the Senate of the Fifty-second General Assembly of the State of Colorado:

"That, we, the members of the Senate of the Fifty-second General Assembly of the State of Colorado, do hereby strongly urge the Congress of the United States to amend the "Clean Air Act" to make periodic inspection-maintenance programs for motor vehicles optional rather than mandatory upon the several states in adopting state implementation plans.

"Be It Further Resolved, That a copy of this Resolution be sent to Representatives David Satterfield and Dave Stockman, the President of the Senate and the Speaker of the House of Representatives of the Congress of the United States, and to each member of the Congress of the United States from Colorado."

POM-618. A joint resolution adopted by the Legislature of the State of Colorado; to the Committee on Banking, Housing, and Urban Affairs:

"SENATE JOINT RESOLUTION No. 7"

"Whereas, A threat to our national security and to the independence of the people of Afghanistan exists because of the Soviet Union invasion; and

"Whereas, As a result of this aggressive action by the Soviet Union, the President of the United States has declared an embargo against the sale of United States grains to the Soviet Union as necessary for our national security; and

"Whereas, This embargo could create a severe financial burden for U.S. Agricultural producers that should be equally shared by all citizens of the United States; and

"Whereas, Agriculture is a basic industry in the United States and its financial well being is essential to the economy of this nation; and

"Whereas, The efficient production of food and fiber by American agriculture provides food for export as well as abundant supplies for domestic consumption; and

"Whereas, A vigorous and financially healthy agricultural industry must be based on an unencumbered market system which provides an equitable return for the labor, capital, and maintenance inputs of America's farmers and ranchers; and

"Whereas, The freezing of grain sales to the Soviet Union could cause this nation to lose billions of dollars and could cause the loss of the foreign market which has been developed at great cost to the industry: Now, therefore,

"Be It Resolved by the Senate of the Fifty-second General Assembly of the State of

Colorado, the House of Representatives concurring herein:

"That the President and Congress of the United States are strongly urged to carry out emergency measures to reduce the severity of the embargo through the following means:

"(1) Increasing the export credit budget;
"(2) Providing incentives to encourage production of alcohol fuels from farm products; and

"(3) Expanding the embargo to other items of export to make the embargo more effective and equitable.

"Be It Further Resolved, That copies of this resolution be transmitted to the President and Vice President of the United States, the Secretary of the United States Department of Agriculture, the United States House and Senate Agriculture Committees, each member of the Colorado Congressional Delegation, the President of the Senate and Speaker of the House of Representatives of each of the states of Alaska, Arizona, California, Hawaii, Idaho, Kansas, Montana, Nevada, New Mexico, North Dakota, Oklahoma, Oregon, South Dakota, Texas, Utah, Washington, and Wyoming and to the President of the Nebraska legislature."

POM-619. A joint resolution adopted by the Legislature of the State of Virginia; to the Committee on Finance:

"SENATE JOINT RESOLUTION No. 109

"Whereas, pursuant to the federal Clean Air Act and its subsequent amendments, states whose ambient air quality does not meet federally established standards are being required to implement vehicle emissions inspection and maintenance programs; and

"Whereas, states which are required to establish such programs but fail to do so face potentially drastic federal sanctions in the form of withheld highway construction and maintenance funds, sewage treatment funds, and denial of permits for the construction of certain types of industrial facilities; and

"Whereas, states which are thus being coerced into establishing vehicle emissions inspection and maintenance programs are told by the federal Environmental Protection Agency that they should do so out of a desire for clean air, not for fear of the federal sanctions; and

"Whereas, it would appear fair and equitable that if the Congress feels the improvement of the air quality nationwide is desirable and that such improvement can be achieved through vehicle emissions inspection and maintenance programs, then Congress ought to return to the states sufficient funds to enable the states to establish and implement such programs; now, therefore, be it

"Resolved by the Senate of Virginia, the House of Delegates concurring, That the Congress of the United States is hereby memorialized to return to the states sufficient funds to enable the states to establish and implement vehicle emissions inspection and maintenance programs required pursuant to the federal Clean Air Act and its amendments; and, be it

"Resolved further, That the Clerk of the Senate is hereby instructed to transmit copies of this resolution to the President of the United States Senate, the Speaker of the United States House of Representatives, and the members of the Virginia delegation to the United States Congress in order that they may be apprised of the sense of this body."

POM-620. A resolution adopted by the House of Representatives of the State of Missouri; to the Committee on Foreign Relations.

"RESOLUTION

"Whereas, the members of the Missouri House of Representatives believe and support

the integrity of the international Olympic movement as an example of international cooperation, goodwill and mutual respect; and

"Whereas, the International Olympic Committee has chosen the city of Moscow, the capital city of the Soviet Union, as the site for the 1980 Summer Olympic Games; and

"Whereas, the Soviet Union continues its flagrant and cruel military invasion of the small, independent, non-aligned nation of Afghanistan, in direct violation of international law and blatant disregard for the ideals and objectives of the international Olympic movement; and

"Whereas, the selection of the city of Moscow for the 1980 Games is cited by the Soviet Government as convincing evidence of the correctness of the course of Soviet foreign policy on the part of the world community; and

"Whereas, the Soviet government's control of information to its people strictly limits the world community's ability to express its outrage and frustration regarding this invasion; and

"Whereas, many nations of the world are looking toward the United States for resolute leadership regarding the Olympic Games;

"Now, therefore, be it resolved that we the members of the Missouri House of Representatives call upon the United States Olympic Committee to go on record, immediately, by an affirmative vote, to support the President's and the Congress' call for a boycott of the Moscow Summer Olympic Games; and

"Be it further resolved that this body urges the President, the Congress, and leaders throughout the world to act with haste to explore and establish alternatives for the Summer Games; and

"Be it further resolved that the Chief Clerk of the Missouri House of Representatives be instructed to prepare a properly inscribed copy of this resolution for the United States Olympic Committee, the President of the United States, the President of the Senate, the Speaker of the House of Representatives and all members of the Missouri delegation to the United States Congress."

POM-621. A resolution adopted by the Congress of the Federated States of Micronesia; to the Committee on Energy and Natural Resources:

"CONGRESSIONAL RESOLUTION No. 1-51

"Whereas, the Charter of the United Nations, in Article 73 of Chapter XI, relating to non-self governing territories, states that members of the United Nations which assume responsibilities for the administration of non-self governing territories recognize that the interests of the inhabitants of the non-self governing territories are paramount; and

"Whereas, the referenced article of the United Nations Charter also states that member nations which assume responsibility for the administration of non-self governing territories accept 'as a sacred trust' the obligation to promote 'to the utmost' the well-being of the inhabitants of non-self governing territories and to ensure the political, economic, social, and educational advancement of the inhabitants, in part, through the promotion of constructive measures of development; and

"Whereas, one of the basic objectives of the trusteeship system, as set forth in Article 76 of Chapter XII of the United Nations Charter, is the promotion of the political, economic, social and educational advancement of the inhabitants of a trust territory; and

"Whereas, the United States, as a party to the agreement with the United Nations to act as trustee for the inhabitants of the Trust Territory of the Pacific Islands, is legally obligated to promote the social and

economic advancement of all inhabitants of the Trust Territory and may not discharge such legal obligation by the selective development and advancement of only the inhabitants of those islands which have become seats of government or major population centers; and

"Whereas, the inhabitants of the Trust Territory who reside on islands which are not seats of government or major population centers have a legal right to fair and equal treatment under the terms of the Trusteeship Agreement, which is law within the Trust Territory, as required by Section 7 of Title I of the Trust Territory Code, which forbids the denial of equal protection of the laws; and

"Whereas, the on-going capital improvement program is focused almost exclusively on the islands which are seats of government or which have become population centers, and does not address the needs of the large proportion of the inhabitants who do not reside on the islands which are seats of government or which have become population centers; and

"Whereas, the Office of Planning and Statistics within the Office of the High Commissioner coordinated the development of a program of capital improvements referred to as "second level" to meet some of the pressing needs of islands which are not seats of government or population centers; and

"Whereas, very shortly after the Office of the High Commissioner published the document entitled "Second Level Capital Improvement Program," the High Commissioner stated publicly that he did not intend to seek funding for the Program; and

"Whereas, it is the sense of the First Congress of the Federated States of Micronesia that the failure of the Secretary of Interior and the High Commissioner to pursue the funding necessary to meet the needs of the large proportion of the population of the Federated States of Micronesia who do not reside on the islands which are seats of government or which have become population centers, after such needs were formally identified and acknowledged in the course of developing the Second Level Capital Improvement Program, appears to disregard obligations and commitments central to the trusteeship concept generally and to the Trusteeship Agreement between the United Nations and the United States more specifically, as well as provisions of the United Nations Charter relating to non-self governing territories; and

"Whereas, it is the further sense of this Congress that the Trusteeship should not be terminated until the obligations assumed under the Trusteeship Agreement between the United Nations and the United States have been fulfilled or satisfactory provision made therefor; now, therefore,

"Be it resolved by the First Congress of the Federated States of Micronesia, Second Regular Session, 1979, that the Secretary of the Interior and the High Commissioner be respectfully urged to pursue all means necessary to assist in meeting the needs of those inhabitants of the Trust Territory who reside on islands which have been largely neglected in the area of infrastructure development during the Trusteeship by the completion of the capital improvement projects identified in the document entitled "Second Level Capital Improvement Program" published by the Office of the High Commissioner in August 1978; and

"Be it further resolved that certified copies of this Resolution be transmitted to the United Nations Trusteeship Council; United States Senators Warren Magnuson, Frank Church, Jacob Javits, John Glenn, Jesse Nelson, Milton Young, Robert C. Byrd, Theodore Stevens, Henry Jackson, Mark Hatfield, J. Bennett Johnston, Jr., Daniel K. Inouye, and Spark Matsunaga; members of the U.S.

House of Representatives Jamie Whitten, Silvio Conte, Sidney Yates, Joseph McDade, Clement Zablocki, William Broomfield, Lester Wolff, Tennyson Guyer, Morris Udall, Phillip Burton, Robert Duncan, Donald Clausen, Robert Lagomarsino, Daniel Akaka, Cecil Hefte, and Antonio B. Won Pat; Mr. Rodney Weiher and Mr. Ronald Cogswell in the Office of Management and Budget; Secretary of the Department of the Interior Cecil D. Andrus; Undersecretary of the Department of the Interior James A. Joseph; Mrs. Rues G. Van Cleve, Director of the Office of Territorial Affairs; other officials of the Department of the Interior Matthew Novick, Hugh Gallagher, William Bettenburg, and Larry Meierotto; Captain Wels, Office-in-Charge of Construction, Guam; Trust Territory High Commissioner Adrian P. Winkel; Trust Territory Budget Officer Haruo N. Willter; Trust Territory Planning and Statistics Officer Michael Rody; the President of the Federated States of Micronesia; the Director of each Department and Executive Office of the Federated States of Micronesia; the Governors and State Legislatures of the four States of the Federated States of Micronesia; the Chairman of the Commission on Future Political Status and Transition and the Washington Liaison Officer."

POM-622. A resolution adopted by the Legislature of Guam; to the Committee on Energy and Natural Resources:

"RESOLUTION No. 494

"Whereas, the laws applicable to the Northern Mariana Islands are: the Covenant to Establish a Commonwealth of the Northern Mariana Islands in Political Union with the United States (U.S. Public Law 94-241, 90 Stat. 263); the Constitution of the Northern Mariana Islands; U.S. laws applicable to the Northern Mariana Islands; and rules and regulations issued pursuant to the aforementioned; and

"Whereas, Article III, Section 304 of the Covenant provides that citizens of the Northern Marianas will be entitled to all privileges and immunities of citizens in the several states of the United States; and

"Whereas, Section 304 prevents a state from discriminating against a person of the Northern Marianas if he travels to a state, or if he decides to live in a state; and

"Whereas, Article III, Section 304 of the Covenant becomes effective at the same time that the new Government of the Northern Marianas comes into effect in accordance with Article X, Section 1003(b) of the Covenant; and

"Whereas, Article III, Section 304 is modeled on Article IV, Section 2, Clause 1 of the United States Constitution, which assures citizens of each state the privileges and immunities of citizens in the several states; and

"Whereas, under Article V, Section 501 of the Covenant, Article IV, Section 2, Clause 1 of the United States Constitution will apply in the Northern Marianas as it does in the states, thereby assuring the citizens of the Northern Marianas that they will not be discriminated against in the United States; and

"Whereas, effective January 9, 1978, Northern Marianas citizens were accorded the privileges and immunities similarly accorded citizens of the United States, and were not required to possess an entry permit to enter the United States; and

"Whereas, pursuant to the abovementioned, the First Northern Marianas Commonwealth Legislature enacted a public law adopting rules and regulations concerning the application and procedures regarding the issuance of a special certificate of identity to citizens of the Northern Marianas; and

"Whereas, it has come to the attention of the citizens of the Northern Mariana Islands that the United States Department of

Justice's Office of Immigration and Naturalization Services will no longer treat Northern Marianas residents as citizens of the United States as provided for in Article III, Section 304 (U.S. Public Law 94-241, 90 Stat. 263); and

"Whereas, such action on the part of the Federal government negating a freely negotiated Covenant between the United States and the Northern Marianas calls for a prompt re-evaluation of the political relationship between the Commonwealth of the Northern Mariana Islands and the United States; and

"Whereas, in light of the President's recent message to Congress concerning the territorial possessions of the United States, encouraging political development and self-government, such action would be a step backward in the slow march towards political self governance; and

"Whereas, such actions against the Northern Marianas will be a severe hindrance in Guam's attempts to straighten the economic, social and political ties with the Northern Marianas; and

"Whereas, so frequently, Federal rules and regulations are made and reversed by whim, and usually hindering economic, social and political ties; now, therefore, be it

"Resolved, that the Fifteenth Guam Legislature, on behalf of the people of Guam, hereby requests the President, the Department of Justice Immigration and Naturalization Service, all departments and agencies of the Federal government and Congress to abide and respect the Covenant establishing the Commonwealth of the Northern Mariana Islands; and be it further

"Resolved, that the Fifteenth Guam Legislature, on behalf of the people of Guam, commits itself to total support on behalf of the Commonwealth in its efforts to have United States Department of Justice abide by its previous rulings and commitments of the United States to the people of the Commonwealth of the Northern Marianas; and be it further

"Resolved, that the Speaker certify to and the Legislative Secretary attest to the adoption hereof and that copies of the same be thereafter transmitted to the President of the United States; to the Chief, U.S. Immigration and Naturalization Service; to the Attorney General of the United States; to the Secretary of the Department of Interior; to the President Pro-Tempore of the United States Senate; to the Speaker of the United States House of Representatives; to Representative Phillip Burton; to Senator J. Bennett Johnston; to the United States Ambassador to the United Nations; to the Chairman of the Department of Political Affairs for Asia/Pacific, and the Caribbean, Decolonization and Trusteeship of the United Nations; to the Northern Marianas Representative in Washington, D.C.; to the House and Senate Committees on Insular Affairs; to Guam's Delegate to the U.S. Congress; to the Governor of the Commonwealth of the Northern Mariana Islands; to the Speaker and President of the Northern Marianas Commonwealth Legislature; to the Chief of the Immigration and Naturalization Service on Guam; to all United States Presidential candidates; to the Chairperson of the First International Sovereignty Conference; to First Lady Rosalynn Carter; and to the Governor of Guam."

POM-623. A resolution adopted by the Legislature of Guam; to the Committee on Energy and Natural Resources:

"RESOLUTION No. 479

"Whereas, the numerous reports and studies conducted over the last twenty (20) years have concluded that Guam's future economic stability is dependent on her ability to develop industries that capitalize on her strategic location; and

"Whereas, Guam is centrally located in this Pacific Basin; and

"Whereas, Guam could and should capitalize on her natural harbor and become the transshipment center of Guam; and

"Whereas, the land around Apra Harbor is especially suited for development as an industrial park; and

"Whereas, this industrial park could take advantage of the tuna transshipment in the harbor by establishing a fish cannery; and

"Whereas, other revenue and job generating industries such as a slaughterhouse, warehouses, oil storage facilities, etc., could be situated on the lands surrounding the Commercial Port; and

"Whereas, the Secretary of Defense, in conjunction with the General Services Administrator, have reviewed the U.S. Government's land holdings on Guam and concluded that a considerable number of federally owned properties and surplus to their needs; and

"Whereas, Guam's very informed and effective Representative in the U.S. House of Representatives, Congressman A. B. Won Pat, has introduced H.R. 6315 which proposes to have all surplus lands bordering Apra Harbor returned to the government of Guam; now, therefore, be it

"Resolved, That the Fifteenth Guam Legislature does hereby state its wholehearted support of the intent and introduction of H.R. 6315; and be it further

"Resolved, That the Fifteenth Guam Legislature does hereby respectfully request and recommend that the U.S. House of Representatives and the U.S. Senate pass H.R. 6315 relative to the conveyance of government of Guam properties adjoining Apra Harbor; and be it further

"Resolved, That the Speaker certify to and the Legislative Secretary attest to the adoption hereof and that copies of the same be thereafter transmitted to the Speaker, U.S. House of Representatives; to the President Pro Tem, U.S. Senate; to the Secretary of the Navy; to the Secretary of the Interior; to the Administrator, General Services Administration; to the Manager, Port Authority of Guam; and to the Governor of Guam."

POM-624. A resolution adopted by the Non Commissioned Officers Association of the United States, relating to National Solidarity Day"; to the Committee on the Judiciary.

POM-625. A resolution adopted by the City Commission of the City of Margate, Florida, requesting investigation of large oil corporations and power corporations to limit their profits in light of the hardship placed on the American people; to the Committee on Energy and Natural Resources.

POM-626. A petition from two private citizens, urging passage of an American Tax Reduction Act of 1980; to the Committee on Finance.

POM-627. A petition from a private citizen, relating to national security; to the Committee on Armed Services.

POM-628. A petition from a private citizen, relating to national security; to the Committee on Armed Services.

EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of committees were submitted:

By Mr. EAGLETON, from the Committee on Governmental Affairs:

Karen Hastie Williams, of the District of Columbia, to be Administrator for Federal Procurement Policy.

(The above nomination from the Committee on Governmental Affairs was re-

ported with the recommendation that it be confirmed, subject to the nominee's commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.)

ORDER FOR STAR PRINT—S. 2335

Mr. BOREN. Mr. President, I ask unanimous consent that S. 2335, a bill to amend the Powerplant and Industrial Fuel Use Act to alter certain provisions relating to natural gas, be star printed to correct an error made in the title.

The PRESIDING OFFICER. Without objection, it is so ordered.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Mr. HUMPHREY (for himself and Mr. THURMOND):

S. 2463. A bill to amend the survivor benefit plan provided for in chapter 73 of title 10, United States Code, to permit a person who has elected to participate in such plan to suspend that election when such person has been rated as totally disabled for a specified period of time, and for other purposes; to the Committee on Armed Services.

By Mr. SIMPSON:

S. 2464. A bill to amend section 562 of title 38, United States Code, to authorize the payment of a special pension to the surviving spouses of persons awarded the Medal of Honor, posthumously; to the Committee on Veterans' Affairs.

By Mr. SARBANES (by request):

S. 2465. A bill to amend the Securities Exchange Act of 1934 to authorize appropriations for the Securities and Exchange Commission for fiscal years 1981 through 1983; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. HART:

S. 2466. A bill to amend the Internal Revenue Code of 1954 to impose a tax on the importation of crude oil and refined petroleum products, to transfer the revenues from such tax, and from any oil import fee imposed by the President, to the social security trust fund, and to reduce social security taxes, and to expand lower income energy assistance; to the Committee on Finance.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. HUMPHREY (for himself and Mr. THURMOND):

S. 2463. A bill to amend the survivor benefit plan provided for in chapter 73 of title 10, United States Code, to permit a person who has elected to participate in such plan to suspend that election when such person has been rated as totally disabled for a specified period of time, and for other purposes; to the Committee on Armed Services.

SURVIVOR BENEFIT PLAN IMPROVEMENTS

Mr. HUMPHREY. Mr. President, I am today introducing legislation to correct an inequity currently affecting many former members of our country's Armed Forces. Many veterans now pay into an insurance plan from which they receive no benefit. My bill will remove this inequity which results from separate enactments of legislative changes in the

survivor benefit plan (SBP) and in the dependency and indemnity compensation (DIC) program.

I want to thank the distinguished Senator from South Carolina, Strom Thurmond, for cosponsoring this effort. He is a leader in helping our Nation's veterans and military retirees.

The SBP, administered by the Department of Defense, enables military members who die in retirement to insure that their dependent survivors will continue to have a reasonable level of income. The military retiree makes monthly payments into the SBP. Once the retiree elects participation in the SBP, he or she may not discontinue participation.

The DIC benefit, awarded by the Veterans' Administration, is a payment to the dependent survivor of a deceased military member whose death occurs as a result of a service-connected injury. This benefit is intended as partial income replacement and as reparation for the member's service-connected death.

Changes in the law affecting veterans and military retirees have created an inequity for certain veterans. Currently, the SBP annuity is integrated with the DIC benefit under the provisions of 10 U.S.C. 1450. The surviving spouse is eligible for SBP benefits only to the extent that her SBP entitlement exceeds her DIC entitlement. In many cases, however, the surviving spouse never receives any SBP benefit because the DIC benefit, paid by the VA, exceeds the SBP annuity.

The inequity arose 2 years ago when Congress enacted Public Law 95-479. This law liberalized the definition of service-connected deaths, thus expanding the population of potential DIC beneficiaries to include those whose spouses had previously enrolled in the SBP. At the present time, DIC benefits are paid not only to survivors of the veteran who is rated as totally disabled for a period of 10 or more years immediately preceding death, or if so rated for a lesser period, was so rated continuously for a period of not less than 5 years from the date of such veteran's discharge. Simply put, DIC payments may now be made in the case of deaths not service-connected when certain conditions are met.

The inequity affects those military retirees who, upon retirement, elect to participate in the SBP. If the veteran becomes totally disabled subsequent to this SBP election, he or she must continue the SBP payments even though the surviving spouse would receive DIC benefits greater than the SBP benefit. Therefore, the surviving spouse will never receive the SBP annuity, even though the military retiree has been paying into the SBP plan for years. Although there is a provision in the law that enables the surviving spouse to receive a lump sum refund equal to the amount of payments made into the SBP, this provision is merely a forced savings account—without interest.

My bill will simply allow this category of veteran to discontinue his payments to the SBP. Then, if his disability rating is later reduced by the VA, he can elect

to return to the SBP. In today's inflationary times, many veterans need every penny to make ends meet. For these veterans, it makes little sense to pay into a plan from which they will receive no benefit. My bill will correct this inequity. Enactment into law of this proposal will be in the best interests of these veterans.

The Department of Defense informs me that there are at present 12,570 retirees in the category of totally disabled veterans participating in the SBP. Many of these veterans may find it in their best interest to discontinue their participation in the SBP because their survivors would be eligible for DIC benefits exceeding their SBP annuity.

Many veterans and military retiree groups support this legislation. These include:

- Air Force Sergeants Association;
- American Legion;
- Amvets;
- Association of the United States Army;
- Chief Petty Officers Association, U.S. Coast Guard;
- Chief Warrant and Warrant Officers Association, U.S. Coast Guard;
- Fleet Reserve Association;
- Marine Corps League;
- National Association for Uniformed Services;
- Naval Reserve Association;
- Noncommissioned Officers Association;
- Reserve Officers Association;
- The Retired Officers Association; and
- Veterans of Foreign Wars.

I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2463

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 1452 of title 10, United States Code, relating to reduction in retired or retainer pay for the purpose of providing a survivor annuity, is amended by adding at the end thereof the following new subsection:

"(g) (1) Notwithstanding any other provision of this subchapter and subject to the provisions of paragraphs (2) and (3) of this subsection, any person who has elected to participate in the Plan and who is suffering from a service-connected disability rated by the Veterans' Administration as totally disabling and has suffered from such disability while so rated for a continuous period of ten or more years or, if so rated for a lesser period, has suffered from such disability while so rated for a continuous period of not less than five years from the date of such person's last discharge or release from active duty may suspend such person's election to participate in the Plan by submitting a notice of suspension in writing to the Secretary concerned. Upon receipt of such notice, the Secretary concerned shall, effective on the first day of the first month following the month in which such notice is received, discontinue the reduction being made in such person's retired or retainer pay on account of participation in the Plan (or if such person has been required to make deposits in the Treasury on account of such participation, such member may discontinue making such deposits effective on such date).

"(2) A person described in paragraph (1) of this subsection may not suspend such person's participation in the Plan without the written consent of the beneficiary or beneficiaries under the Plan.

"(3) The Secretary concerned shall furnish promptly to each person who requests suspension of participation in the Plan a written statement of the advantages of participating in the Plan and the possible disadvantages of suspending participation. A person may withdraw the suspension made under paragraph (1) of this subsection if it is withdrawn within 30 days after having been submitted to the Secretary concerned.

"(4) Any person described in paragraph (1) of this subsection who has suspended such person's election to participate in the Plan may again elect to participate in the Plan if (A) at any time subsequent to such suspension the Veterans' Administration reduces such person's service-connected disability rating to less than total, and (B) such person makes application to the Secretary concerned, within such period of time after the reduction in such person's service-connected disability rating has been made as the Secretary concerned may prescribe, to again participate in the Plan and includes in such application such information as the Secretary concerned may require. The Secretary concerned shall begin making reductions in such person's retired or retainer pay, or require such person to make deposits in the Treasury under subsection (d) of this section, as appropriate, effective beginning with the month in which the Secretary concerned receives the application for resuming participation in the Plan."

By Mr. SIMPSON:

S. 2464. A bill to amend section 562 of title 38, United States Code, to authorize the payment of a special pension to the surviving spouses of persons awarded the Medal of Honor, posthumously; to the Committee on Veterans' Affairs.

SURVIVING SPOUSE BENEFITS

● Mr. SIMPSON. Mr. President, I am pleased today to introduce legislation which would assure that the surviving spouse of any member of the armed services who is posthumously awarded a Medal of Honor shall be awarded a special pension. The pension would be at half the rate of the pension which would have been awarded to the service member, were that individual alive at the time of receipt of this Nation's highest award. This special pension would continue until such surviving spouse dies or remarries.

It is indeed ironic that this Nation appropriately accords a special gratitude and pension for the personal benefit of the military person who displays the extraordinary gallantry to qualify for such an award, but then denies the benefit of this pension to the immediate spouse of the deceased person whose heroism gave rise to the award. It is to correct this inequity that this legislation is presented.

Mr. President, I am of the belief that the surviving spouse of the decorated hero should receive the benefit of the award until that surviving spouse then dies or is remarried. It is often quite true that the spouse also displays a remarkable degree of courage—and I believe this special consideration should be expressed.

I would trust that my colleagues would agree that equity directs that a surviving spouse of an individual awarded the Medal of Honor, posthumously, be accorded one-half the pension that both would have benefited from if the award were made to a living recipient.

Mr. President, I ask unanimous consent that the text of this bill be printed at this point in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2464

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 562 of title 38, United States Code, relating to special pension for Medal of Honor recipients, is amended—

(1) by redesignating subsections (b), (c), and (d) as subsections (c), (d), and (e), respectively;

(2) by inserting after subsection (a) the following new subsection (b):

"(b) (1) The Administrator shall also pay to the surviving spouse of any person who has served on active duty in the armed forces of the United States and who has been awarded the Medal of Honor, posthumously, a special pension at the rate of \$100 per month, beginning on the first day of the month after the date of application therefor under paragraph (2) of this subsection.

"(2) Applications for the pension referred to in paragraph (1) of this subsection shall be made in the form and under regulations prescribed by the Administrator. The Administrator may require such evidence as the Administrator determines necessary to establish that the applicant is the surviving spouse of a person described in paragraph (1) of this subsection.

"(3) A surviving spouse of a person described in paragraph (1) of this subsection who makes application for and receives the special pension under paragraph (1) of this subsection shall continue receiving such pension until death or remarriage;" and

(3) by striking out the period at the end of subsection (e), as redesignated by clause (1), and inserting in lieu thereof "nor shall the surviving spouse of any such person receive more than one special pension."●

By Mr. HART:

S. 2466. A bill to amend the Internal Revenue Code of 1954 to impose a tax on the importation of crude oil and refined petroleum products, to transfer the revenues from such tax, and from any oil import fee imposed by the President, to the social security trust fund, and to reduce social security taxes, and to expand lower income energy assistance; to the Committee on Finance.

OIL IMPORT TARIFF

● Mr. HART. Mr. President, today I am introducing a proposal to establish a tariff on imported oil. This country must take the strongest action to reduce our Nation's dependence on oil from foreign nations. I believe we can reduce oil imports to zero by 1990 by conserving energy and developing domestic energy resources. Left to itself, our Nation's economic system will eventually conserve oil and develop more domestic resources. However, "eventually" is not soon enough. We must speed our investment in developing more domestic energy resources and in machines to promote more domestic energy conservation. Furthermore, all revenues raised by this oil import tariff — or any other — should be used to cut social security taxes.

PROVISIONS

The proposal I am introducing today will require the President to establish a tariff of at least \$10 per barrel on im-

ported oil and imported oil products. The President would also have the authority to increase this tariff up to \$30 per barrel if it is judged that such a tariff is needed to eliminate oil imports by 1990.

The revenues gained from this oil import tariff would not be used to fund Federal spending programs. Instead, each dollar of new revenues would be used to reduce social security taxes paid by employers and employees.

In this proposal, the Secretary of the Treasury is instructed to cut social security tax rates to reduce social security tax collections by the amount of revenues gained from the oil import tariff, or any other oil import tax, such as proposed by the administration. Then, all revenues gained from the tariff will be put in the social security trust fund.

Mr. President, we do not know how high an oil import fee will have to be to eliminate oil imports. We have many Federal, State, and local energy programs designed to promote more domestic energy production and more energy conservation. These programs are working, but they are working slowly. An extremely rapid rise in oil prices will automatically work to increase the country's effort to produce more domestic energy and to conserve energy as well.

Higher energy prices will mean that we need to give more help to lower income people. For example, lower income people who heat their homes with oil, or who live in rural areas where automobiles are essential, will need help, especially if they do not work. Consequently, this proposal increases the lower income energy assistance program by \$2 billion per year.

CONSERVATION IMPACTS

According to CBO, a \$10-per-barrel oil import fee will reduce energy consumption by about 600,000 barrels per day by 1982 by promoting more conservation. Although quantitative estimates are not yet available, the higher energy prices for domestic energy sources will expand domestic energy production significantly. Just this conservation alone will reduce oil imports about 10 percent. The administration's oil import fee—passed on only to gasoline—will reduce imports by only 100,000 barrels per day, or less than 2 percent.

This legislative proposal will save more oil in the residential, commercial, and industrial sectors than in the transportation sector.

Each day this country burns roughly 19 million barrels of petroleum products. It burns 6.6 million barrels per day in gasoline, so conservation efforts certainly should be pointed toward gasoline. However, this country also burns 12.7 million barrels per day of petroleum products other than gasoline.

An oil import tariff focusing only on gasoline would give needed conservation incentives to only one-third of our petroleum uses. Conservation should be promoted in all areas of petroleum consumption.

For a 10-percent increase in energy prices, the consumption of fuel by the transportation sector declines by about 1.5 percent, according to CBO. However, the same price increase will decrease

consumption by 2.5 percent in the industrial sector. Thus, a fee which is spread across all oil products can more effectively reduce oil imports.

REDUCTION IN SOCIAL SECURITY TAX

The \$10 per barrel minimum tariff, which this proposal provides, would raise about \$29 billion a year at the current rate of imports. This figure will more than offset the increased social security tax revenues arising from the increase in the wage base and the increased tax rate for social security taxes starting in 1981. Thus, this oil import fee will have the impact on firms and consumers of deferring the social security tax hike.

NEED TO REDUCE OIL IMPORTS

Mr. President, most people are already aware of the need to reduce oil imports. Last year, the cost of imported oil to this country was \$65 billion. That means we exported the purchasing power of \$65 billion from this country to the oil-exporting nations. Just what is \$65 billion worth?

The combined value of the output of our agriculture, forestry, and fisheries industry is about \$40 billion. The combined value of the entire construction industry in the United States is about \$65 billion. Thus, the effect of purchasing so much oil from abroad is the equivalent of giving away our construction industry, or more than giving away our agriculture, forestry, and fisheries industries each year.

Last year, the consumer price index increased at over 13 percent. Two-and-a-half percentage points of that increase was due to higher energy prices brought by the higher oil prices from oil-exporting nations. Although the oil import tariff which I am proposing will contribute to more inflation in the short run, it is necessary to avoid the continued inflationary impact on our economy of higher world oil prices. The use of the revenues to defer the social security tax hike will be anti-inflationary.

INCREASE LOWER INCOME ENERGY ASSISTANCE

The Treasury will receive additional revenues from the corporate profits tax as domestic oil, gas, and coal prices rise in relationship to the oil import tariff. Part of the increased profits tax can be used for additional assistance for lower income people who live in homes heated by oil.

All forms of energy in this country will be rising faster as a result of the oil import tariff. All firms and households will be striving to conserve more energy. However, people cannot be expected to fully compensate for higher energy prices in reduced consumption. Lower income people especially must be protected, in particular those who heat homes with oil, or those who live in very rural areas where automobiles are a necessity. Therefore, the lower income energy assistance program must be increased, and this increase must be funded from the increases in the windfall profit tax revenues.

There should be legislation to expand the lower income assistance to people who need help, but do not meet the rigid income limits in existing law. The additional \$2 billion in this proposal should

be given to States for them to distribute in a way which best serves the needs of the people in that State.

SUMMARY

In summary, Mr. President, the oil import tariff which I am proposing can be viewed as amplifying the private market incentives to conserve domestic energy and to produce more domestic energy. The revenues from the oil import tariff shall be put in the social security trust fund. Social security tax rates will be decreased by an amount to compensate for the new revenues gained from the oil import tax. Every dollar of revenues raised from this measure will be returned to the American people. I believe the American people will use the additional take-home pay or retained corporate earnings to help pay for their new investments in energy conservation.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2466

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. IMPOSITION OF TAX.

(a) IN GENERAL.—Subtitle D of the Internal Revenue Code of 1954 (relating to miscellaneous excise taxes) is amended by adding at the end thereof the following new chapter:

"Chapter 46—EXCISE TAX ON IMPORTED CRUDE OIL AND PRODUCTS THEREOF

"Sec. 4995. Imposition of tax.

"Sec. 4996. Definitions.

"Sec. 4997. Registration.

"Sec. 4998. Procedures; returns; penalties.

"Sec. 4995. IMPOSITION OF TAX.

"(a) IMPOSITION OF TAX.—In addition to any other tax imposed under this subtitle, an excise tax is hereby imposed on imported crude oil (and products thereof) which is sold in the United States.

"(b) RATE OF TAX.—

"(1) INITIAL RATE.—The tax imposed by subsection (a) shall be imposed at the rate of \$10 per barrel.

"(2) PRESIDENTIAL AUTHORITY TO INCREASE RATE.—If the President determines that it is necessary to increase the rate of the tax imposed by subsection (a) in order to promote sufficient domestic energy conservation and domestic energy production to enable the United States to end the importation of crude oil by January 1, 1990, he may, after notifying the Congress of his determination and the reasons therefor, increase the rate of tax under paragraph (1) to a rate not greater than \$30 per barrel. No such increase may take effect less than 30 calendar days after the date on which the President notifies the Congress of his determination.

"(c) TAX PAID BY IMPORTER.—The tax imposed by this section shall be paid by the importer of the crude oil.

"(d) FRACTIONAL PARTS OF BARRELS.—In the case of a fraction of a barrel, the tax imposed by subsection (a) shall be the same fraction of the amount of such tax imposed on the whole barrel.

"(e) REFINED PRODUCTS.—

"(1) REFINING BEGUN BEFORE SALE.—If the manufacture or conversion of imported crude oil into refined products begins before such oil is sold, the oil shall be treated as sold on the day on which such manufacture or conversion begins.

"(2) APPLICATION OF TAX TO REFINED PRODUCTS.—

"(A) IN GENERAL.—In the case of a refined product of imported crude oil, the tax imposed by subsection (a) shall be determined by multiplying the rate applicable under subsection (b) by the barrel-of-oil equivalent of the product attributable to imported crude oil.

"(B) BARREL-OF-OIL EQUIVALENT.—For purposes of subparagraph (A), the term 'barrel-of-oil equivalent' means 5.8 million Btu.

"(C) REFINED PRODUCT.—For purposes of subparagraph (A), the term 'refined product' means only refined oil, fuels, and chemical feed stocks.

"SEC. 4996. DEFINITIONS.

"For purposes of this chapter—

"(1) IMPORTED CRUDE OIL.—The term 'imported crude oil' means crude oil other than domestic crude oil (within the meaning of chapter 45).

"(2) BARREL.—The term 'barrel' means 42 United States gallons.

"SEC. 4997. REGISTRATION.

"Every person subject to tax under section 4995 shall, before incurring any liability for tax under such section, register with the Secretary.

"SEC. 4998. PROCEDURES; RETURNS; PENALTIES.

"For purposes of this title, any reference (other than in chapter 45) to the tax imposed by section 4986 shall be treated, except to the extent provided by the Secretary by regulation where such treatment would be inappropriate, as a reference to the tax imposed by section 4995."

(b) CLERICAL AMENDMENT.—The table of chapters for subtitle D is amended by adding at the end thereof the following new item:

"Chapter 46. Excise tax on imported crude oil and products thereof."

(c) DEDUCTIBILITY OF IMPORTED CRUDE OIL TAX.—The first sentence of section 164(a) of such code (relating to deduction for taxes) is amended by inserting after paragraph (5) the following new paragraph:

"(6) The imported crude oil tax is imposed by section 4995."

(d) EFFECTIVE DATE.—The amendments made by this section shall apply with respect to sales of imported crude oil or products thereof in calendar quarters beginning more than 30 days after the date of enactment of this Act.

SEC. 2. TRANSFER OF REVENUES TO SOCIAL SECURITY TRUST FUND.

Section 201(a) of the Social Security Act (42 U.S.C. 401 (a)) is amended—

(1) by striking out the period at the end of clause (4) and inserting in lieu thereof a semicolon and "and";

(2) by inserting immediately after clause (4) the following new clause:

"(5) the sum of—

"(A) the tax imposed by section 4995 of the Internal Revenue Code of 1954 with respect to imported crude oil and products thereof, and

"(B) any fee imposed by the President under section 232(b) of the Trade Expansion Act of 1962 (19 U.S.C. 1862) to adjust imports of petroleum or petroleum products," and

(3) by striking out "clauses (3) and (4)" each place it appears in the last sentence and inserting in lieu thereof "clauses (3), (4), and (5)".

SEC. 3. REDUCTION OF SOCIAL SECURITY TAX RATE.

Notwithstanding any other provision of law to the contrary, the Secretary of the Treasury shall, from time to time, reduce—

(1) the rates of tax imposed by sections 3101(a) and 3111(a) of the Internal Revenue Code of 1954 (relating to Old-Age, Survivors, and Disability Insurance), and

(2) the rate of tax imposed by section 1401 (a) of such Code (relating to Old-Age, Survivors, and Disability Insurance),

to the extent necessary to reduce the net revenue attributable to the taxes imposed by such sections for fiscal years beginning after the date of enactment of this Act by the net revenues from the tax imposed by section 4995 of such Code, or from any fee imposed by the President under section 232(b) of the Trade Expansion Act of 1962 (19 U.S.C. 1862) to adjust imports of petroleum or petroleum products, for such fiscal years. The rates of tax imposed by such sections, as reduced by the Secretary under the preceding sentence, shall be treated as the rates in effect for such sections for the periods designated by the Secretary at the time of such reductions.

SEC. 4. AID TO LOWER INCOME INDIVIDUALS ADVERSELY AFFECTED BY INCREASED ENERGY COSTS.

There is authorized to be appropriated to the President for the purpose of providing or increasing funding for any program of the United States under which financial assistance (including loans and loan guarantees) is provided to lower income individuals and families adversely affected by increased energy costs, an amount not in excess of \$2,000,000,000 for each fiscal year beginning after the date of enactment of this Act. Amounts appropriated pursuant to the preceding sentence shall be obligated or expended only in connection with such programs as may be provided for by law.●

ADDITIONAL COSPONSORS

S. 219

At the request of Mr. PACKWOOD, the Senator from Virginia (Mr. WARNER) was added as a cosponsor of S. 219, a bill to amend the Internal Revenue Code of 1954 to allow the charitable deduction to taxpayers whether or not they itemize their personal deductions.

S. 1038

At the request Mr. BAUCUS, the Senator from Alabama (Mr. HEFLIN) was added as a cosponsor of S. 1038, a bill to improve the inspection and labeling of imported meat and meat products.

S. 2239

At the request of Mr. PACKWOOD, the Senator from North Carolina (Mr. HELMS) was added as a cosponsor of S. 2239, a bill to amend the Internal Revenue Code of 1954 with respect to the income tax treatment of incentive stock options.

S. 2360

At the request of Mr. HELMS, the Senator from South Carolina (Mr. THURMOND), the Senator from New Hampshire (Mr. HUMPHREY), and the Senator from Texas (Mr. TOWER) were added as cosponsors of S. 2360, a bill to reduce overlap between the food stamp and school lunch programs.

NOTICE OF HEARINGS

SUBCOMMITTEE ON ENERGY, NUCLEAR PROLIFERATION AND FEDERAL SERVICES

● Mr. GLENN. Mr. President, I wish to announce a hearing that will be held by the Subcommittee on Energy, Nuclear Proliferation and Federal Services of the Committee on Governmental Affairs. On Wednesday, March 26, 1980, the subcommittee will hold a hearing on S. 2366, a bill recently introduced by Senator HUDDLESTON which would require adjustments in census population figures for aliens in the United States illegally so as to prevent distortions in the reapportionment of the House of Representatives, the legislative apportionment and districting of the States, and the allocation of funds under Federal assistance programs.

The hearing will be held in room 3302 of the Dirksen Senate Building at 10 a.m. If you have any questions regarding the hearing, please be in touch with Martha Volner of the subcommittee staff at 224-2627.●

ADDITIONAL STATEMENTS

CANCER INSURANCE: MORE EXPLOITATION OF THE ELDERLY?

● Mr. BAUCUS. Mr. President, yesterday the Senate Subcommittee on Antitrust, Monopoly and Business Rights of the Committee on Judiciary and the House Select Committee on Aging held joint oversight hearings on the cancer insurance industry. Over the past year, I have become keenly aware that many older Americans are being victimized and exploited by unscrupulous salesmen selling health insurance protection.

As I am sure you remember, the Senate recently passed legislation to provide protection to elderly Americans who purchase health insurance to supplement their medicare coverage. A decade of documented reports reveal flagrant abuses where the elderly are being sold duplicative worthless policies by unethical salesmen. In some cases, senior citizens were being sold 3, 4, 5 and in some cases as many as 90 duplicative medicare supplemental policies. These policies contain many fine print exclusions and afford little financial protection.

The elderly, facing ever-escalating health care costs and constantly decreasing medicare coverage, are particularly susceptible to slick sales pitches based on fear and deception. Cancer insurers claim that one in every four persons will have cancer. The American Cancer Society says that only 1 in every 280 persons will develop cancer and one-fourth of those cases will be inexpensive, curable, skin cancer.

Senior citizens, like most Americans, are uninformed about insurance. An insurance policy is a "blind" item—senior citizens seldom know the true value of what they are purchasing. They rely on the representation of agents. Senior citizens need guidance to avoid costly policies with low benefit returns. Company profit rates clearly indicate that consumers are being short changed. Cancer insurance companies, for example, typically keep from 60 to 80 cents on each premium dollar for themselves.

It is for these reasons that the Congress approved legislation requiring the Secretary of Health, Education, and Welfare to establish a voluntary program for certification of MediGap policies that meet certain minimum standards in States that do not apply equivalent or higher standards. This program of voluntary certification will enable consumers

to make informed and intelligent choices about the policies they wish to purchase and will assure that policies of high quality are available.

The hearing conducted by the Subcommittee on Antitrust and the House Select Committee on Aging regarding cancer insurance is relevant to the Senate's recent action on MediGap health insurance. The thrust of the testimony was that something needs to be done to protect unaware consumers from the pitfalls of most cancer insurance policies.

While the voluntary certification program only affects medicare policies the Secretary of HEW is required to conduct a comprehensive study examining the other types of health insurance sold to the elderly. The purpose of the study is to consider the need for standards or certification of health insurance policies sold to medicare beneficiaries other than those that fill in gaps in medicare coverage.

The types of policies contemplated in this study include but are not limited to, dread disease and indemnity policies. It is expected, therefore, that the Secretary will consider expanding the reach of the voluntary certification program to include cancer or dread disease policies which are sold to the elderly.

This week the House Select Committee on Aging released a report entitled, "Cancer Insurance: Exploiting Fear for Profit." The investigation examines many aspects of the dread disease insurance industry. The major finding is that cancer policies are not good buys, that the tactics used to sell these policies are questionable, and that the elderly who are eligible for medicare and who have purchased a medicare supplementary policy should not purchase cancer insurance.

More specifically, the report found that most companies selling cancer insurance use fear tactics to induce people to buy. They belabor cancer costs and exaggerate misleading benefits. Cancer policies frequently include uncommon restrictions and limitations expressed in obtuse legal jargon. The study further found that many consumers seeking cancer insurance have high rates of denial or errors in their payments of claims.

I believe that the report conducted by the House Select Committee on Aging coupled with the findings of the oversight hearings on cancer insurance will be helpful to the Secretary of HEW in studying the feasibility of establishing standards of certification for health insurance policies sold to the elderly other than medicare supplemental policies.

I recommend the House Select Committee on Aging report to my colleagues. I am convinced that we must continue to be vigilant in protecting our senior citizens from flagrant abuses and improper sales tactics. We must focus more attention on the improprieties exposed by yesterday's hearings and seek the appropriate remedies.●

FEDERAL ELECTION COMMISSION CANDIDATE DEBATE REGULATIONS

● Mr. PELL. Mr. President, I have given careful consideration to the proposed

candidate debate regulations submitted by the Federal Election Commission on December 20, 1979. Included in my review of the regulations have been the comments of my colleagues in Congress, representatives of the news media, the League of Women Voters, the Federal Communications Commission, the Federal Election Commission and other interested parties.

Last summer, the Federal Election Commission submitted rather extensive regulations governing the sponsorship and staging of candidate debates. They were rejected by the Senate because they would have discouraged the staging of debates by the imposition of extensive and inhibiting regulations on the conduct of such debates. It is my belief that candidate debates serve a vital purpose by educating the voters about the positions of the various candidates on current issues and should, therefore, be encouraged.

The debate regulations, as revised, reduce to a minimum the rules pertaining to the staging of a debate, and permit a sponsor wide discretion by requiring only that the debate include at least two candidates, and that it not advance or promote one contender over another.

However, the news media has expressed much concern, which I share to some extent, that, while the revised regulations reduce to a minimum the rules affecting the staging of debates, and thus overcome the objections I expressed about the original regulations, the FEC's interpretation of the regulations may unduly interfere with the exercise of a sponsor's discretion and editorial judgment in the presentation of a debate.

As a result of this concern regarding FEC interpretation, the Senate has been urged to veto those portions of the regulations pertaining to the sponsorship of debates by the news media. While I understand the concern of the media about the possible negative effect that restrictive interpretations may have on the staging of debates, I am more concerned that such a selective veto of the regulations may leave the corporate media sponsors without clear statutory authority to stage such public discussions. Absent this authority, the news media would effectively be discouraged from staging any debates at all.

With regard to broadcasters interested in sponsorship of this nature, I take specific note of the FEC's assurance in its statement accompanying the regulations that it will consider a broadcaster's compliance with FCC "equal time" and "reasonable access" regulations to amount to substantial compliance with the FEC "nonpartisan" requirement. Also, it is clear that the regulations in no way apply to a broadcaster that covers, as a news event, a debate sponsored by another.

On balance, I believe that it is preferable, and consistent with my view that debates be encouraged, that the Senate allow the regulations to become effective in their entirety. I will follow closely the Commission's interpretation of these regulations, and urge the FEC to apply a rule of reason, to the end that the FEC in no case substitutes its discretion and judgment for that of the sponsor.

Should it appear that the Commission fails to follow the rule of reason in its implementation of the regulations, or that a legislative solution appears necessary, I will initiate appropriate legislative action in the Senate.●

A SPECIAL TRIBUTE TO DENVER DICKERSON

● Mr. LAXALT. Mr. President, I am very pleased to have this opportunity to join with my colleagues in a special tribute to Mr. Denver Dickerson on the occasion of his retirement.

Denver is the son of a prominent Nevada Governor, and we shared a common home. We were both raised in Carson City, lived in the Governor's mansion and became good friends. Through his friendship and by his fine example, I grew to know a man I would always admire.

Denver's outstanding accomplishments in his service to his State and country have been as varied as they are great. As a former legislator, speaker of the house in Nevada, Lieutenant Governor of Guam, political columnist and president of the Nevada Press Association, Denver has, indeed, earned his well-deserved retirement.

Dedicated to being only the best in his field and producing only excellence, Denver's leadership as staff director of the Joint Committee on Printing will be greatly missed.

But, a man's public record is second only to his total person. Denver is a kind and compassionate man who has the rare and priceless gift of a tremendous sense of humor. The depth of his character measures the fine gentleman he is and the fine friend I shall greatly miss.

To you, your wife, Maxine, and your family I raise my cup, Denver, salud, amor, y pesetas. Y tiempo para gastarlas.●

UNITED STATES-SOVIET RELATIONS AND AFGHANISTAN INDEPENDENCE

● Mr. McGOVERN. Mr. President, the foreign policy frustrations inflicted on the United States in recent months have placed an extraordinary strain on our domestic political debate in this election year. I hope we will never allow our great democratic institutions to become hostage to foreign events. The American people understand that complex problems deserve complex answers. I believe we can formulate and debate new policy proposals even in the midst of a hard-fought Presidential campaign.

Yesterday at Columbia University in New York City, Senator EDWARD KENNEDY offered new foreign policy initiatives which deserve serious consideration by Congress and the executive branch. He presented a compelling analysis of our foreign policy problems.

Two specific proposals made by Senator KENNEDY deserve special consideration. The first is his proposal to establish a Select Commission on National Security Policy, made up of citizens from public and private life, which would examine America's military, diplomatic and economic policy options for the 1980's,

with special reference to the future course of United States-Soviet relations.

An impressive number of distinguished Americans expressed support for this bipartisan effort to develop a new foreign policy consensus.

The second set of proposals concerns Senator KENNEDY's diplomatic strategy to restore Afghanistan to genuine independence and nonalignment—and to lessen superpower confrontation in this critical area of the world. Of course, no diplomatic strategy carries with it a guarantee of success, but it seems certain that there can be no success unless there is a clear set of goals and a workable strategy to accomplish them. An independent and nonaligned Afghanistan free of Soviet military forces on its soil should be our goal.

Senator KENNEDY states that resuming the effort to restrain the nuclear arms race is imperative for our national security policy. One of the most disappointing aspects of the election debate thus far is the failure of the candidates to address seriously the problem of the nuclear arms race in an era of heightened tensions and energy insecurity. I congratulate Senator KENNEDY for raising this question in his speech.

Mr. President, I ask to insert the text of Senator KENNEDY's important speech on foreign policy along with a list of Americans who have endorsed his proposal for a Commission on National Security Policy in the RECORD.

The material follows:

ADDRESS OF SENATOR EDWARD M. KENNEDY
I am honored to be here at Columbia University.

In its very name, this institution commemorates the coming of our freedom. Founded as King's College, it became Columbia at the time of the American Revolution. And from the beginning, the University has had a special concern for the role of a free America in foreign affairs. From Alexander Hamilton to Dwight Eisenhower, from the teachers who prescribed a wider international role for the nation after World War I to the students who protested the Vietnam War, Columbia has been an influential force in the making of foreign policy. For three decades, Columbia, on the West Side of New York, has had a close relationship with the United Nations, only the width of an island away.

And the students of this university have also had a healthy skepticism toward politicians. In 1952, when Dwight Eisenhower left the Presidency of Columbia to accept the Presidency of the United States, students here coined the phrase: "Columbia's gain is the nation's loss."

So I have come here today to talk with some skepticism about foreign policy as it is presently conducted—and with real hope for the possibilities of the future.

Over the course of recent months, I have described a strategy to strengthen our conventional forces and our energy security. I have spoken frankly on foreign policy because I believe we must honestly face the consequence of a policy of incompetence, surprises, and embarrassment.

In recent weeks that incompetence has brought a humiliating rejection from Pakistan of the Administration's plea to General Zia's regime to accept \$400 million in American military and economic aid. General Zia quickly dismissed the sum as "peanuts". A prudent Administration would not have invited this public rebuff by publicly beseeching the Zia government to accept the aid, in a hasty, reflex reaction to the Soviet invasion of Afghanistan.

A careful Administration would not have sent the President's National Security Adviser to brandish a rifle at the Khyber Pass and to call on the Afghan rebels in Pakistan to "march on Kabul."

These are not isolated mistakes, but part of the continuing pattern of a foreign policy out of control. Indeed, in discussing the latest blunder, the American vote against Israel at the United Nations, the Administration not only admits incompetence; they earnestly plead their own incompetence as their only defense. For two days following that vote, the President's official spokesmen were steadfast in claiming that it was right. Then suddenly the White House announced that it was all a mistake. The excuse was that the President had not read the United Nations resolution—and that the Secretary of State, a lawyer accustomed to being careful with words, did not know what he was doing in this case.

In fact, this labored explanation only compounded the error of the original vote. It was not an isolated paragraph, but the entire resolution that was wrong. Voting for any part of it would undermine our relationship with Israel, our surest ally in the Middle East. After listening to the Administration's excuse that a phrase here and there should have been deleted, we must wonder whether the President actually read the resolution the second time around.

The reign of confusion in foreign policy takes its toll in a realm far wider than immediate events. We are nearing the point where no world leader knows what to expect of America from one week to the next. The world understands that we are still strong, but increasingly wonders if we have the wisdom to use rather than misuse our strength. Too often other nations do not know what we intend to do—and they assume that the Administration does not know its own intentions.

An America that is not trusted in effect invites allies to disbelieve its word and to decline their obligations.

And a foreign policy that is not predictable invites adversaries to test and probe. Nowhere has the incoherence and inconsistency of Administration policy been more dangerous and destructive than in our relations with the Soviet Union.

When he came to office, President Carter could have concluded a strategic arms limitation treaty that was all but completely negotiated by his Republican predecessor, with bipartisan support in the Senate. Instead he sought to scrap years of patient effort and renegotiate the entire treaty. His sudden initiative surprised the Congress, our allies, and the Soviet Union.

Three years later, the Administration has gained only limited improvement over the original treaty, while losing the votes in the Senate to ratify it. Last summer, there was a fragile consensus for ratification. But the Administration shattered it by denouncing the presence of a Soviet brigade in Cuba—and then announcing that the brigade was acceptable.

By itself, this episode made the ratification of SALT very difficult. It also sent the wrong message to the Soviet Union—and the next Soviet move doomed SALT, at least temporarily, to certain defeat in the Senate. The Soviets chose to ignore the Administration's weak protests about their escalating military involvement in Afghanistan, which is on their borders and 7,000 miles from the United States. They had seen the Administration charge up the hill and then back down in Cuba, only 90 miles from our shores.

So three months ago, over 100,000 Soviet troops finally occupied Afghanistan. This was not the first step, but the last act, in a process that started nearly two years ago with Russian military advisers coming into that country.

After the fact of the final Soviet occupation, the Administration reacted with exclamations of surprise—and with an array of empty threats.

In our relations with the Soviet Union, we now have the worst of both worlds. We have lost essential support for the arms limitation treaty. We have not dislodged the Soviets from Afghanistan. And we have strained our ties with our allies. Without consulting them, and before seeking a collective response, the Administration unilaterally declared an undefined Carter doctrine in the Persian Gulf.

There is a difference between deterrence and bluff. Deterrence depends on capability and credibility. Bluff is the mark of a foreign policy that no one can depend on.

America can no longer afford a policy that improvises from day to day, with no coherent, long-range strategy. It is time to think through a strategy that we can sustain, that our allies will support and the Soviet Union will respect.

Instead of relying on a policy that offers the Soviets neither stick nor carrot, we must re-establish a policy that gives them reason for both hope and fear in their relations with the United States. Pursued effectively, such a policy can lead to mutual restraint, which has eluded us for the last three years.

This requires that we recognize and respond to the reality of Soviet power. Let there be no wishful thinking that the Soviets have fundamentally changed. They are as tough today as they were when the cold war began. We must not take up the easy mythology that they see the world as we do, or that they are willing to play by the rules we prefer, or that they simply want to be our friends.

In the 1970s, detente did not give us a generation of peace or even an entire decade of lessening tensions. There is a nuclear balance of terror; but the arms race is still being run—and last December, for the first time, the Red Army occupied a country outside Eastern Europe.

The new decade of the 1980s demands a balanced view of the Soviet Union—a view without illusions and without over-reaction. First we must counter Soviet power.

Politically and economically, we are stronger, with global ties that starkly contrast with the enemies or potential enemies that encircle the Soviet Union. But Soviet military power is now generally comparable to our own, stronger in some respects and weaker in others.

We must never permit the Soviets to develop military strength superior to ours. They have engaged in a steady build-up of forces. By spending \$250 billion more than the United States on defense during the past ten years, they have multiplied their military capabilities beyond their security needs. This is a dangerous and provocative trend that we dare not ignore. But we need not try simply to outspend the Soviets. What will count is not what we pay, but what we buy. We must do what is necessary to defend and deter effectively, to recruit and retain skilled and professional military personnel, and to draw on our vast technological advantage.

We must not only insist on strategic stability; we must also insure a balance of forces at the key points of contact. The Administration's own Director of Selective Service has exposed registration for the draft as a meaningless gesture that will save virtually no time in the event of an emergency. Draft registration is a way of doing nothing while pretending to be tough.

Instead we must improve our existing forces to make them truly ready and reliable. We must end the incredible state of unpreparedness in which nearly half of our combat planes cannot fly and nearly half of our naval ships cannot sail on time. We must change a situation in which it would

take at least six months to mobilize our ready reserve. We must be capable of deploying our military forces quickly where our vital interests are at stake. And in areas such as the Persian Gulf, where the interests of our allies are involved as much or more than our own, we should insist that they bear their fair share of the burden of collective security.

This requires a policy based on political as well as military strength. We must consult allies and friends, not dictate to them. We must negotiate multilateral approaches to our problems and our opportunities. As George Kennan has said, we must stop the Administration's habit of carrying a small stick while "thundering all over the place."

And we must not forget the most important political fact of all—that our influence in the world rests on a commitment to freedom and human rights. This is not just an ideal, but an inescapable reality. It determines the viability of the governments we aid. It is not in the nature of our system to prop up dictatorships for an indefinite period of time.

In all these ways, we can counter the Soviets—as we and our allies must. And in this context, we can pursue the possibilities of peace—which is a precondition of survival in the nuclear age.

President Kennedy spoke of "a nuclear sword of Damocles hanging (over the world) by the slenderest of threads." That thread has badly frayed during the last three years. The second imperative of our policy must be to resume the effort to restrain the arms race.

Yet it has become difficult to put the principles of both struggle and restraint into practice. Too often we are at odds among ourselves about the course of East-West relations. At times, it seems that we are reliving old quarrels and perpetuating old divisions over issues that have passed. Today's policy must not be made a metaphor for yesterday's battles. We must heed the warning of Winston Churchill: "If we open a quarrel between the present and the past, we shall be in danger of losing the future."

At no time has it been so important to shape a national consensus about the future of Soviet-American relations. We must recapture the strength and solidarity that rescued Europe during the post-war period, that broke the Berlin blockade, that created the Atlantic Alliance and removed Soviet missiles from Cuba.

Therefore, I am proposing a new effort, this year, to re-establish the basis for a bipartisan national security policy—a doubly bipartisan effort, between Democrats and Republicans, and within the Democratic Party.

The Administration and the Congress should establish a Select Commission on National Security Policy, consisting of distinguished citizens from public and private life, with experience and expertise in this area. By October, the Commission should submit recommendations to both branches of government on necessary nuclear and non-nuclear defense programs, and on economic and political initiatives to secure our national interest in future relations with the Soviets, our allies, and the non-aligned nations.

As a matter of the utmost urgency, the Commission should be specifically instructed to assess our defense needs in the absence of a SALT agreement, in the event of adherence to the treaty, or under any other conditions the Commissioners find preferable to these two alternatives. The findings of the Commission could provide the basis for Senate action on SALT II and for future efforts to achieve meaningful and effective nuclear arms control. Andrei Sakharov has written, "Averting thermonuclear war has absolute priority over all other problems of our time."

It is too easy to assume that the United States is incapable of conducting a serious review of even this life-and-death issue in any year when we are electing a President.

But I believe that the mutual mismanagement of American-Soviet relations carries in it the seeds of such imminent danger that on this issue we must demand of ourselves that we rise above partisan politics.

And there is an immediate issue that should not wait for the deliberations of the Commission. We must reduce the threat of a confrontation in the Persian Gulf region.

A collective response to Soviet aggression in Afghanistan must be matched by a collective effort to restore the independence and non-alignment of that nation, including the withdrawal of all foreign military forces.

Here the Soviet Union faces a basic choice. It can continue to seek a military solution to the conflict in Afghanistan, with the prospect of deeper involvement in a guerrilla war and further alienation of the Islamic world and other non-Communist countries. Or it can recognize the futility of such a course and seek a political solution, in which it commits itself to a complete withdrawal of its military forces to Soviet territory.

The United States must not leave it to the European Community to seek a political solution. The Administration's policy has reinforced perceptions that this country is interested only in military confrontation with the Soviets, and that our European allies are interested only in political accommodation. The leaders of the European community are right to do all they can to promote a political alternative in Afghanistan.

We must hear the words of West German Chancellor Helmut Schmidt: "We do not need nervousness, nor cries of excited or provocative speeches. What we need, instead, is carefully thought-out crisis management."

So today I am proposing a fresh political effort to restore Afghanistan to genuine independence and non-alignment, and to guarantee non-interference in its internal affairs. I have had two productive meetings with President Brezhnev, in 1974 and 1978, and I believe that he would now respond positively to American proposals which protect the essential interests of both our countries, of Afghanistan, and of its neighbors. I therefore call upon President Carter and President Brezhnev to begin negotiations as soon as possible, based on the following principles, to be implemented concurrently:

First, both sides would agree not to interfere in the affairs of Afghanistan and would pledge their best efforts to discourage any military support from other nations which would result in interference in the affairs of Afghanistan.

Second, in accord with the Soviet Union, the present government in Afghanistan would establish a coalition government with all political and religious factions that are prepared to participate, including representatives of the Afghan nationalist insurgents, and would broaden its political base to command the support of a majority of the people of Afghanistan.

Third, the Soviet Union would agree to withdraw all its military forces from Afghanistan no later than the end of 1980, based on a negotiated timetable for reducing Soviet military forces and U.S. military support.

Fourth, both sides would support the independence and non-alignment of Afghanistan and undertake not to conclude military alliances with its government.

Before such negotiations begin—and to establish the credibility of the negotiating process, the Soviet Union should demonstrate its interest in a political solution by making a substantial, unilateral reduction of its forces in Afghanistan—for example—on the order of 20,000 men immediately—and by affirming its readiness to withdraw all its forces in 1980 as part of this comprehensive agreement.

An independent and non-aligned Afghanistan would not accept foreign military

forces on its soil. Its future would be determined solely by its own people—a status to be respected not only by the Soviet Union and the United States, but by all of its neighbors and by the international community as a whole. This status could be guaranteed by international agreement, and it could be supervised by the United Nations or by some other mutually agreed-upon multinational peace-keeping arrangement.

Afghanistan is the latest chapter in the long twilight struggle.

This is not primarily a struggle against any nation, but for human rights and human survival.

It is a struggle that requires both competence and courage. We must reclaim our credibility with the rest of the world. We must clearly define our interests and clearly perceive real dangers. We must exert all the leverage we can to influence Soviet policy toward peace. We must provide clear and convincing warnings where our vital interests are at stake, with the strength to make the warnings stick. We must recognize that fire-prevention is wiser than fire-fighting.

And we must reduce the risk that someday, by accident, or escalation, or an act of madness, we will fight, nation against nation, with the nuclear fire that could consume all the world.

This is not only an issue of the election year. It is the central question of our generation—and of history itself. We must hope, above all else, to leave behind us a human race to record that we, in our time, succeeded in staying the hand of humanity's final war.

27 FOREIGN AND DEFENSE POLICY LEADERS SUPPORT KENNEDY'S PROPOSAL FOR SELECT COMMISSION ON NATIONAL SECURITY POLICY

The following foreign and defense policy leaders have supported the proposal for a Select Commission on National Security Policy, made by Senator Edward M. Kennedy at Columbia University today:

Admiral Worth Bagley, former Vice Chief of Naval Operations.

George Ball, former Under Secretary of State.

Jacob Beam, former U.S. Ambassador to the USSR.

Abram Bergson, Director, Russian Research Institute and Professor of Economics, Harvard.

Seweryn Bialer, Director, Research Institute on International Change, and Professor of Political Science, Columbia University.

Cyril Black, Director, Center of International Studies, and Professor of History, Princeton University.

Lawrence Caldwell, Professor of Political Science, Occidental College, Los Angeles.

Harlan Cleveland, Director, Aspen Institute Program in International Affairs, former Assistant Secretary of State, former U.S. Ambassador to NATO.

William Colby, Reid and Priest, and former Director of Central Intelligence.

Alexander Dallin, Professor of History and Political Science, Stanford University.

General James Gavin, Arthur D. Little Co. and former Ambassador to France.

Leslie Gelb, writer and lecturer, former Director of Political-Military Affairs, Department of State.

Marshall Goldman, Associate Director, Russian Research Center, Harvard University and Professor of Economics, Wellesley College.

Roger Hillsman, Professor of Government and International Politics, Columbia University and former Assistant Secretary of State.

Stanley Hoffman, Professor of Government, Harvard University.

Nicholas deB. Katzenbach, former Under Secretary of State and Attorney General of the United States.

Robert Legvold, Senior Fellow and Soviet

Project Director, Council on Foreign Relations New York.

Carl Marcy, Co-Director, American Committee on East-West Accord and former Chief of Staff, Senate Foreign Relations Committee.

Richard Pipes, Professor of History, Harvard University.

Eugene Rostow, Professor of Law, Yale University, and former Under Secretary of State.

John Steinbruner, Director of National Security Studies, The Brookings Institution.

Malcolm Toon, former U.S. Ambassador to the Soviet Union.

Richard Ullmann, Editor, Foreign Policy, and Professor of International Affairs, Princeton University.

Paul Warnke, Clifford and Warnke, and former Director, U.S. Arms Control and Disarmament Agency.

Ambassador Seymour Weiss, consultant on national security affairs, and former Director of Political-Military Affairs, Department of State.

R. James Woolsey, Shea and Gardner, and former Under Secretary of the Navy.

Admiral Elmo Zumwalt, Systems Planning Corporation, and former Chief of Naval Operations.

EXCERPT

Following is the excerpt from Senator Kennedy's foreign policy speech with the text of the Select Commission proposal:

"At no time has it been so important to shape a national consensus about the future of Soviet-American relations. We must recapture the strength and solidarity that rescued Europe during the post-war period, that broke the Berlin blockade, that created the Atlantic Alliance, and removed Soviet missiles from Cuba.

"Therefore, I am proposing a new effort, this year, to re-establish the basis for a bipartisan national security policy—a doubly bipartisan effort, between Democrats and Republicans, and within the Democratic Party.

"The Administration and the Congress should establish a Select Commission on National Security Policy, consisting of distinguished citizens from public and private life, with experience and expertise in this area. By October, the Commission should submit recommendations to both branches of government on necessary nuclear and non-nuclear defense programs, and on economic and political initiatives to secure our national interest in future relations with the Soviets, our allies, and the non-aligned nations.

"As a matter of the utmost urgency, the Commission should be specifically instructed to assess our defense needs in the absence of a SALT agreement, in the event of adherence to the treaty, or under any other conditions the Commissioners find preferable to these two alternatives. The findings of the Commission could provide the basis for Senate action on SALT II and for future efforts to achieve meaningful and effective nuclear arms control. Andrei Sakharov has written, 'Averting thermonuclear war has absolute priority over all other problems of our time.'

"It is too easy to assume that the United States is incapable of conducting a serious review of even this life-and-death issue in any year when we are electing a President. But I believe that the mutual mismanagement of American-Soviet relations carries in it the seeds of such imminent danger that on this issue we must demand of ourselves that we rise above partisan politics." ●

CAMBODIA

● Mr. BAUCUS. Mr. President, this past week, the Washington Post ran a series of articles on Cambodia, written by the distinguished British journalist, William Shawcross. The articles are thoughtful

and provocative, and provide a useful, often moving analysis of the situation in Cambodia today.

Perhaps most important, the articles help to bring the tragedy of Cambodia back into the public's mind.

Mr. Shawcross chronicles a decade of war, revolution, and political turmoil that devastated Cambodia and brought the Cambodian people to their knees. No single government or country can be blamed for the anguish of Cambodia. Nor can a single government or country, acting alone, revive Cambodia or its suffering people.

Certainly, political issues lie at the heart of Cambodia's anguish, and only a political solution will provide a fundamental answer to Cambodia's tragedy. Mr. Shawcross offers his own solution; other thoughtful persons propose their own. At this time, however, my primary concern is the lives of the Cambodian people that will be lost if the world neglects the relief effort it embarked upon so enthusiastically last fall.

Of course, there have been problems with the international relief effort. Perhaps the world was too cautious and slow to awaken to the tragedy 10 years of revolutionary turmoil wrought; perhaps the Phnom Penh authorities were overly suspicious and reluctant to accept Western aid; perhaps the efforts of international organizations were needlessly hampered by bureaucratic difficulties.

And of course, there are the widely reported problems of glutted warehouses, diverted supplies, and inadequate distribution efforts.

But these difficulties are not an excuse to abandon our efforts. Rather, they are inevitable obstacles that must be overcome if our humanitarian objective—the alleviation of the famine in Cambodia—is to be realized.

There are conflicting reports about the situation in Cambodia at the present time. Certainly, relief aid has played an extremely important and positive role in alleviating the famine that threatened to decimate the Cambodian population only last fall.

Just how extensive and effective these aid efforts have been, however, is still the subject of sharp dispute between relief officials, journalists, and government officers from all sides.

One thing remains clear. The rainy season rice planting that will take place very soon is of critical importance. Mr. Shawcross estimates that at least 30,000 tons of rice seed must be purchased, shipped, and distributed to Cambodian villages for this planting.

In addition, fertilizer and farm equipment are needed.

Besides these very important efforts to rebuild Cambodia's agricultural infrastructure and once again allow Cambodia to become food self-sufficient, there is an urgent need for at least 230,000 metric tons of food this year to meet the existing emergency.

U.N. Secretary Waldheim will conduct a U.N. pledging conference this Wednesday in an effort to raise over \$260 million for the rest of 1980. The United States has already contributed over \$70 million

to the international relief effort, and it is essential that the United States continue to participate.

Our foreign aid bill is currently snagged by budget ceiling difficulties, but Members of Congress must strive to find a way to allow the United States to continue to play its crucial role in the Cambodian relief effort.

I urge my colleagues to read Mr. Shawcross' eloquent and insightful view of the situation in Cambodia. The conscience of the world will not rest if we neglect or ignore the Asian holocaust that threatens to once again rear its horrible head in Cambodia.

I ask that Mr. Shawcross' articles be printed in the RECORD. ●

There being no objection, the articles were ordered to be printed in the RECORD, as follows:

[From the Washington Post, Mar. 16, 1980]

THE MAKING OF AN ASIAN HOLOCAUST

(By William Shawcross)

BANGKOK.—Ban Mak Mouen is a slum along the Thai-Cambodian border. One U.S. official who visited there was so appalled by its air of menace that he remembers thinking, "Mak Mouen is a Jonestown waiting to happen."

Tens of thousands of Cambodian refugees have been squatting in border encampments like Mak Mouen for months. It is a place of the utmost squalor. Thousands of small straw huts are crammed together, with no planning, no organization, on the edge of a dusty plain. This is the dry season, and a stream running through the camp contains only a foul-smelling slick of sewage.

There appears to be no concern for public health in the camp. Piles of rubbish, melon skins, chicken bones, beer bottles, empty tin cans, plastic bags lie everywhere.

Among the refuse, engulfing the camp like a cloud, are flies feeding off the garbage and the piles of human excrement with which it is mixed. A little girl squats to defecate: she is at once covered by a cloud of flies.

There is no running water and when the tanks filled daily by the Red Cross run dry—daily—people bathe and wash their clothes in the foul stream.

At least 60,000 Cambodians have crowded into this instant slum in recent months for one reason: food. They are the homeless survivors of a year of famine that has reduced their once prosperous and serene homeland to an international synonym for disaster and humanitarian concern.

The famine came on the heels of a decade marked by war, bloody revolution and foreign invasion—successive waves of destruction that began exactly 10 years ago this week, when the neutralist Phnom Penh government was toppled by a military coup and the Vietnamese war spilled across Cambodia's border.

Cambodia today resembles a broken mirror. Many of its pieces are missing; others do not match. Even assembled, the jagged shards reflect different views, different appearances.

Places such as Mak Mouen exist because they are distribution points for international food aid. They are one part of the reality of the Cambodian tragedy today; other parts are reflected in the thickly carpeted offices of international aid bureaucrats, in the war ministries of Hanoi and Peking, in American churches and synagogues where relief money is collected, and at other points on the globe touched by the Cambodian crisis.

The story of how food came to Mak Mouen, what happened to it there, and what the ultimate fate of its residents means for the world lies at the heart of the tangle of international politics and conflict that have created, and still prolong, Cambodia's suffering.

Even the most basic population figure—one that would reveal how many Cambodians have survived this Asian Holocaust—is a matter of mystery and fierce dispute among humanitarians and politicians.

But two things are clear:

Famine threatened to extinguish the people of Cambodia last year, and is now—after a period of abatement—again threatening the survivors. The new threat can be averted only by increased international aid and significant improvement in the way the Vietnamese occupiers of Cambodia respond to the continuing crisis.

About 250,000 Cambodian refugees now in camps just inside Thailand or along the Thai-Cambodian border risk being forced back into the war zones of their homeland unless the rest of the world can find what is called "a durable solution" for them.

The famine has no natural causes—Cambodia, unlike Bangladesh, is not a naturally impoverished land. The disaster was even foreseen. With an accuracy that is chilling in retrospect, a U.S. Agency for International Development team, in its final report upon leaving a collapsing Phnom Penh in April 1975, concluded:

"If ever a country needed to beat its swords into plowshares in a race to save itself from hunger, it is Cambodia . . . The prospects that it can or will do so are poor . . . Slave labor and starvation rations for half the nation's people will be a cruel necessity for this year and general deprivation and suffering will stretch over the next two or three years before Cambodia can get back to rice self-sufficiency."

The worst of these predictions, and more, came true. No matter how grim they thought their vision, the AID team members did not imagine the horrors that were to take place over the next five years and that continue today.

Cambodia's present predicament is confirmation that disasters, like fashions, have a short life in the popular attention that was gripped with anxiety over the plight of the Vietnamese boat people.

Only gradually, as television screens and newspapers in the early autumn became filled with the pictures of starving mothers and children, did the West become aware of the suffering Cambodia had endured for a decade. Hundreds of thousands of its people were surging in despair toward the Thai border, and reports from inside Cambodia spoke of a dreadful emptiness and desolation.

"Two million dead by Christmas" became a common slogan for international and private relief agencies that began to mobilize their resources as donations flooded in.

The famine that the world became aware of so suddenly in 1979 had, in fact, been a decade in the making. Although new crises in Iran and Afghanistan have pulled public attention away, Cambodia remains at the brink of ultimate disaster.

This series will explore the past year of famine, and the complex political, military and humanitarian issues that it raised for Cambodia, for Cambodia's neighbors and for the international community.

Food paid for by American churches and synagogues collecting special offerings have helped feed the overthrown, but still resisting army of Khmer Rouge leader Pol Pot, as well as starving villages. At the same time, evidence indicates that some food paid for by British schoolchildren who sold their toys for Cambodian relief has gone to sustain occupying Vietnamese forces.

Such circumstances invite questions as to how far the concern, the money and the programs have been effective in saving the lives of ordinary Cambodians. Such questions arouse heated disputes, however, not to mention propaganda barrages from all involved.

It now appears that the death toll before Christmas, while considerable, did not reach 2 million. But it is difficult to determine if that is because the original reports exaggerated the threat or because international aid averted it.

As soon as it came into public view, famine in Cambodia eclipsed similar past disasters in Biafra and Bangladesh as the instant synonym for starvation. The questions that surround it are political.

There were extensive reports of famine long before the relief agencies responded. What were the reasons for their delay, which inevitably caused deaths? Was it because of pressure from Western governments—particularly the United States—that did not wish to help the Vietnamese-installed government headed by Heng Samrin? Or was the delay caused by Vietnamese refusal both to admit that the famine existed and to allow the world to help?

Similar arguments are raised over the question of the distribution of the food that now has arrived. Some foreign relief workers and Western journalists who have recently visited Phnom Penh tend to be optimistic at this point about the situation inside Cambodia. They say they have been able to travel widely with few restrictions. They have seen international food aid taken from the warehouses and distributed to the needy. Thirty pounds of rice per person per month are available in Cambodia, they say.

But along the Thai-Cambodian border, where the international agencies also have been making rice available to Cambodians, the view is different. People come from the interior on oxcarts or bicycles to collect food. They complain that the Vietnamese are not allowing proper distribution of international aid. In some villages, they say, the monthly ration is one pound, not 30.

This "rice-across-the-border" feeding operation is sometimes seen in Hanoi and Phnom Penh as a U.S. weapon to "destabilize" Heng Samrin's government by acting as a magnet to draw people away from Phnom Penh and into border areas controlled by the remnants of the Khmer Rouge. The theory is that the United States is seeking revenge against Hanoi and playing the China card, joining Peking's support for Khmer Rouge—whom President Carter denounced in 1978 as "the world's worst violators of human rights."

U.S. officials in Bangkok and along the border vehemently deny such charges. Their effort is to feed starving Cambodians, not to help the Khmer Rouge, they say. They maintain that the border feedup program has kept 1 million Cambodians alive for several months.

Sorting out these disputes and questions is important not only because the Cambodian tragedy is an extraordinary piece of history, but also because continued disruption of the planting and harvest cycles inside the country indicate that another serious food shortage is about to develop.

More international aid than ever will be needed. Unless conditions inside Cambodia can be brought back to something approaching normalcy, the threat of famine is likely to become an annual occurrence.

Before its decade of war and revolution began on March 18, 1970, with a coup by Gen. Lon Nol against neutralist Prince Norodom Sihanouk, Cambodia was a peaceful country of 7 million people that was not only self-sufficient in rice, but exported it.

Between 1970 and 1975, when the Vietnamese war spilled over into Cambodia and created Cambodia's civil war, the agricultural system was completely destroyed—by fighting, by U.S. bombing and by subsequent labor shortages. About half of Cambodia's people fled the countryside and became refugees in the towns. Cambodia became almost totally dependent upon imports of American food aid.

That aid ended abruptly in April 1975, when the U.S.-backed government of Lon Nol was defeated by the communist Khmer Rouge—a group that had barely existed when the fighting began.

One of the seemingly more rational priorities of the Khmer Rouge, after their 1975 victory, was the attempt to restore rice self-sufficiency.

For nearly four years, the Khmer Rouge drove the population, with still unbelievable ferocity, to reconstruct the agricultural system—building dams, canals, reservoirs and dikes. Just how successful they were is still a matter of dispute; certainly the people never were given more than minimum rations.

No one knows how many people died under the Khmer Rouge. Figures as high as 3 million have been widely quoted. Whatever the number, there is no doubt that their regime was brutal. And there is little doubt that the vast majority of the survivors were relieved when the Soviet-backed Vietnamese invaded in January 1979 to replace the Chinese-backed Khmer Rouge with their own client government under Khmer Rouge defector Heng Samrin.

But according to refugees reaching Thailand, the popularity of the Vietnamese and their Cambodian collaborators was short-lived. Within months, the fact that Vietnam had traditionally been an enemy of Cambodia loomed more important than that the Vietnamese had liberated Cambodia from the Khmer Rouge. Food was one of the principal reasons.

In Cambodia, rice production, like fighting, is seasonal, governed by the yearly monsoon rains that begin in late May and end just before Christmas. Just as the January-to-May dry season is the traditional time for military campaigns in Indochina, so is the rainy season the time for planting and harvesting. Cambodia's principal rainy season crop, planted in May and June and harvested at the end of the year, normally provides 85 percent of the year's rice.

The 1978 harvest, planted under the Khmer Rouge, was expected to be plentiful. But it was disrupted by the Vietnamese invasion. When the Khmer Rouge fled Phnom Penh in January 1979, they took some rice stocks with them and destroyed others. In the chaos, the rest of the harvest was not properly gathered.

The most detailed study of what happened inside Cambodia during 1979 has been made by a young academic from Cornell University, Stephen Heder. He has spent months on the Thai-Cambodian border, interviewing some 250 Cambodians of different social, political and geographical backgrounds.

Heder's study was funded by the State Department "with the clear understanding that [he] would be completely free to draw and express his own conclusions whether or not these were in agreement with the views of the U.S. government." Heder has never been a supporter of the U.S. role in Indochina; until he began his research he was sympathetic to the Khmer Rouge.

Heder's study suggests that month by month through 1979, relief over liberation gave way to disillusionment and even opposition to the Vietnamese. In addition to the scarcity, this process was influenced by the fact that the Vietnamese failed to create a very powerful Cambodian administration though this was perhaps in part because so many cadres had been murdered by the Khmer Rouge.

After the January 1979 invasion the Vietnamese encouraged Cambodians to leave the work camps the Khmer Rouge had corralled them in and return to their traditional villages. This obviously was popular. But, together with the continued fighting between the Vietnamese and Khmer Rouge, it disrupted planting for the year.

Such food stores as existed, and were not seized by the Khmer Rouge, were often requisitioned by the Vietnamese or their allies, or removed by traveling Cambodians who needed to feed themselves en route home.

By early summer last year, the Vietnamese had established reasonable control over major road and river routes, as well as within the towns. But the agricultural system once more was in chaos. An attempt to reintroduce some collectivized farming in May did not work.

As food grew scarcer, a rationing system was imposed; inevitably, ordinary people did less well than soldiers or officials.

By the end of the summer, Heder believes, the majority of the people had decided that "when it came to organizing the feeding of the population, the Vietnamese were inferior" to the Khmer Rouge. Hundreds of thousands of people began to make for the Thai border.

By fall, Heder says, "it seemed highly unlikely that the Vietnamese could ever recover even the original support they had enjoyed" when they overthrew the Khmer Rouge.

This is not to say that the Khmer Rouge have become popular. Their armed strength now is said to be about 25,000 (no one knows exactly); the civilians they control, they control by force.

The speed of the Vietnamese invasion destroyed their preparations to withdraw into widely scattered resistance areas capable of supporting large numbers of civilians. They were, however, able to regroup into bases in both the northeast and the west of the country. Last spring, the Vietnamese mounted a second offensive on the western bases, causing a second chaotic evacuation.

A large number of the civilians fled into redoubts in the Cardamom Mountains of the southwest where there was no food at all, and where disease, particularly cerebral malaria, was endemic. By late August, enormous numbers of people, perhaps half of those under Khmer Rouge control, are believed to have died in the hills.

Last September, the Vietnamese tried once more to destroy the vestiges of the Khmer Rouge. Once more they failed. The effect was to push additional tens of thousands of dying people across the border into Thailand. They arrived just as the international agencies began massive relief operations there and in Phnom Penh.

[From the Washington Post, Mar. 17, 1980]
A SOCIETY WHOSE SINEWS WERE RIPPED OUT
(By William Shawcross)

NEW YORK.—For months a whisper of disaster had run through Southeast Asia. Reporters in Bangkok began writing of the specter of starvation stalking Cambodia. A great silence and emptiness spread through the center of the country as continued fighting and political chaos scattered an entire population.

But it was not until late June of last year that the Vietnamese-installed government in Phnom Penh agreed to let a two-man team from the International Committee of the Red Cross and from UNICEF enter the country, which had been sealed off from the West since 1975. Jacques Beaumont and Francois Bugnion headed for Cambodia prepared for a grim experience.

What they saw was worse than anything they could have expected. Cambodia was a society whose very sinews had been ripped out. Phnom Penh was not a city, but a shell in which a few thousand people were camping. Government offices were empty and Bugnion and Beaumont were told that most civil servants had been murdered over the past several years by the Khmer Rouge, who had exterminated most educated people.

The two men reacted in horror as they visited hospitals and orphanages where there

were virtually no medical supplies and no trained personnel. They watched children dying for lack of care. Even government officials seemed hungry. The two had brought some rations with them, which they gave to their interpreters.

They described these scenes when they returned and triggered in the months that followed a massive international aid program for Cambodia that has been engulfed in bitter controversy and global political maneuvering.

Famine had been a long time in the making. But in those early crucial months of 1979, two key governments had failed to see it, or at least to acknowledge it. As late as June, just as Bugnion and Beaumont were leaving for Phnom Penh, State Department officials were blithely informing reporters that there was no serious danger. And the Vietnamese, who had invaded in January, had labeled stories of famine as Western propaganda.

In a starving nation, food is direct political power and the relief effort quickly became a hostage of differing political objectives. Hanoi seems determined to stay in Cambodia, while the United States, Thailand, China and others have shaped their policies around an overriding goal of Vietnamese withdrawal.

Allegations that the aid was intentionally delayed because the United States and other Western governments did not want to acknowledge the existence of the Vietnamese occupation government in Phnom Penh, let alone help it feed the people under its control, are matched by charges that the Vietnamese actually refused to respond to repeated international offers of help.

On both sides, grains of truth seemed to have been coated in propaganda. The reality behind each of these accusations is a great deal more complex than the charges have suggested. What actually happened—how this massive relief program was mounted and continues today—is at the very least an extraordinary tale of political and bureaucratic misunderstanding and obstruction.

Bugnion and Beaumont made their trip in mid summer; the flow of aid from their agencies did not start until fall. It is clear that if they had made their trip earlier, or—once the trip had been made—a program of aid had been organized more rapidly and efficiently, then tens, perhaps hundreds of thousands of Cambodians could have been saved.

The size of the relief program alone makes it significant. Since last October, international organizations have spent more than \$205 million—\$72 million of which was contributed by the United States. United Nations Secretary General Kurt Waldheim is now appealing for an additional \$262 million for the rest of 1980. Where the earlier aid money has gone, and where these additional proposed allotments will go, are matters of international concern.

At the same time, the Cambodian story has wider implications. The particular circumstances of Cambodia its decade of war, revolution, invasion, and four years of rule by what is almost universally recognized as one of the most brutal regimes in history—are virtually unprecedented. Probably never before has a society been so thoroughly destroyed.

But the need for the world community to mount massive emergency relief efforts is becoming more and more commonplace: Biafra, Bangladesh, the Sahel, Ethiopia, and now Cambodia. The litany of disaster becomes depressingly long.

There is no single villain or conspiracy that explains the disaster that has occurred. And it is not the international organizations and Western governments that deserve blame exclusively, as some accounts pretend. The origins of the tragedy extend back at least a decade.

Between 1970 and 1975, under the U.S. backed Lon Nol government, the Red Cross and many other agencies had been active in Phnom Penh. Lon Nol had even allowed the agencies to send supplies to his enemies, the Khmer Rouge, which on at least one occasion accepted them.

After the Khmer Rouge victory in 1975, the Red Cross offered to return to Cambodia, but the new government would never permit it. Two years later, less than a month after the Vietnamese invaded, drove the Khmer Rouge out and installed their own administration, the Red Cross approached the new Heng Samrin government with an offer to help. There was no response.

Red Cross officials say that other offers of help were made, both directly to the Phnom Penh government and through the Red Cross office in Hanoi, throughout the first six months of 1979. All of these overtures were ignored.

By late spring, predictions of famine had become commonplace as continued fighting between the Khmer Rouge and Vietnamese disrupted Cambodian harvests and food distributions. That officials made similar predictions and the U.S. Embassy in Bangkok sent constant warnings to Washington. In May, the Executive Board of UNICEF, the United Nations Children's Fund, decided to cooperate with the Red Cross in trying to mount a relief program.

But in Washington and Hanoi, the warnings appeared to fall on stony ground. The State Department saw no danger. Hanoi kept silent until the Heng Samrin government approved the trip of Beaumont and Bugnion.

The relief officials were allowed to stay just three days. They then went to Ho Chi Minh City (Saigon) and, with some difficulty, negotiated their return to Cambodia with a plenipotentiary of supplies in early August. On that trip they began to discuss with Heng Samrin officials the details of a vast relief program to feed some 2.5 million people then thought to be in danger of starvation.

It was at this point that bureaucratic politics clashed with political realities. The Red Cross is a large, international bureaucracy with established procedures. Similarly, UNICEF has its own strict rules.

Both organizations wanted to be able carefully to monitor the aid they brought—to see that it did not go to combatants instead of civilians. That is normal procedure. The sort of disaster which Bugnion and Beaumont believed threatened Cambodia usually would require an army of doctors, nurses, surveyors, nutritionists and administrators. To operate efficiently, they would need transport facilities, interpreters and communications systems, both within Cambodia and to the outside world.

It quickly became clear that the Heng Samrin government was not prepared to consider such an "invasion" of outsiders. It gave no answer to the proposals.

Red Cross officials in Bangkok now concede that the idea of allowing scores of Western officials into Cambodia must have been alarming for Cambodian officials—not to mention the Vietnamese. The government's cadres in all likelihood would have been completely outnumbered. The Ministry of Health, for example, at that time consisted of only a handful of officials. Few of the cadres in any ministry had any international experience, and their principal knowledge of the United Nations was that it still officially recognized the Khmer Rouge regime they continued to fight.

Once the original request for relief had been made by the government, other relief agencies were able to make their own arrangements with the Heng Samrin government and they began flying in supplies.

At the end of August, a plenipotentiary of relief supplies organized by a French communist group and paid for by the British Oxfam

agency arrived. On board was Jim Howard, an Oxfam official, who was overwhelmed by the suffering he saw, and gave graphic, moving accounts of impending famine on his return home to England. Oxfam soon decided that, since UNICEF-Red Cross appeared unable to quickly start a large-scale feeding program—partly because of their insistence on monitoring food distribution—it would initiate a program.

Oxfam, organized as the Oxford Committee for Famine Relief in 1942, is nonprofit, nonsectarian and nonpolitical. Related committees have formed outside England over the years.

Red Cross-UNICEF also had difficulty getting their program approved by the Heng Samrin government at this stage because most of its senior officials were in Havana, at the summit conference of nonaligned nations. Khmer Rouge representatives also were there, and a furious battle erupted over which "government" should represent Cambodia within the movement. The issue was resolved by leaving the seat vacant, which Vietnam considered a victory because it kept the Khmer Rouge out.

When the same issue was debated later in September in the U.N. credentials committee, no such "compromise" was reached. Instead, the majority of committee members—many out of reluctance to legitimize the Vietnamese invasion of Cambodia—recognized the Khmer Rouge "government of Democratic Kampuchea" as the legitimate Cambodian representative. This was despite its listing and the fact that it controlled only a small portion of the country and people.

Inevitably, this rebuff of the Heng Samrin government created further problems for the Red Cross-UNICEF mission trying to overcome and deal with the suspicious and inexperienced officials in Phnom Penh.

Around the same time, in mid-September, flight of tens of thousands of Cambodians, most of them from areas under Khmer Rouge control, began toward the Thai border. On Sept. 17, Francois Perez, head of the Red Cross office in Bangkok, crossed a few miles into Cambodia with a nutritionist, and found at least 20,000 people in desperate need of help.

The Red Cross, unlike Oxfam, is required by its charter to be neutral, and to aid civilians on both sides of a civil war. Moreover, the Thai government, like other ASEAN (Association of Southeast Asian Nations) states, still recognized and was covertly aiding the Khmer Rouge. It insisted that any relief organization aiding the Heng Samrin side from Thailand must also send aid to areas near the border. There, Cambodians under the Khmer Rouge, and the Khmer Rouge themselves, would be most likely to benefit from it.

Red Cross officials understood that giving food to the Khmer Rouge side would not help them in Phnom Penh. It was agreed that no public announcement of the cross-border operation would be made. For unclear reasons, however, the UNICEF press office in Bangkok unilaterally announced it.

The operation predictably was denounced in Phnom Penh, but officials were encouraged by the fact that the Heng Samrin government did not break off negotiations with Red Cross-UNICEF.

On Sept. 26, Henri Labouisse, UNICEF's director, told donor nations in New York that a breakthrough had been made and that agreement was near.

Jubilant was premature. The Heng Samrin government then announced that no such agreement was at hand, mentioning both the agencies' insistence on monitoring and the border operations.

Oxfam, which had decided to operate its program out of Singapore rather than Bangkok, was under no such restraints to supply both sides. On Oct. 6, Oxfam director

Brian Walker signed an agreement with the Heng Samrin government pledging to give no aid to the Pol Pot side, and allowing all distribution to be done by Heng Samrin officials "in cooperation with" members of a small Oxfam team based in Phnom Penh.

Its first barge, laden with 1,500 tons of food, arrived at the Cambodian port of Kompong Som on Oct. 13.

Oxfam officials aboard the barge, the Asiatic Success, were moved and excited by the fact that theirs was the first large cargo of relief supplies to reach Cambodia from the West.

In England, Oxfam officials made no secret of their jubilation over arriving where Red Cross-UNICEF apparently feared to tread. As a result, some journalists characterized Oxfam as the only agency which cared for the Cambodian people—and Red Cross-UNICEF as heartless, bureaucratic stooges of the U.S. government. Oxfam did not do much to discourage such perceptions. Red Cross-UNICEF officials, for their part, tended to speak of Oxfam as credulously accepting whatever Heng Samrin and Vietnamese officials told them.

One of Oxfam's original premises had been that it, and the consortium of voluntary agencies it formed to back it, would alone be able to rush food into Cambodia, since Red Cross-UNICEF insisted both on rigid monitoring and on aiding the Khmer Rouge side. In fact, the Heng Samrin government did not demand that they accept the same terms to which Oxfam had agreed as the price of entry.

On Oct. 13, the same day that Oxfam's barge arrived at Kompong Som, Red Cross-UNICEF began a daily airlift of supplies to Phnom Penh. They still had no formal agreement with the Heng Samrin government. But they understood that they would not be prevented from bringing in supplies both by air and sea.

The airlift was made difficult by the fact that Phnom Penh authorities would not allow the plane to fly due east from Bangkok—apparently because this would carry it over the area where fighting with the Khmer Rouge was heaviest, and control was contested.

Instead the plane, lent by the British government, had to fly in a great arc over the South China Sea and up the path of the Mekong River. This meant that only one flight a day was possible. Offers to fly supplies directly to provincial airstrips were rejected.

Red Cross-UNICEF still sought a formal agreement with the Phnom Penh government. On Oct. 20 they submitted a new, comprehensive aid plan. The government refused to sign any document sanctioning the cross-border feeding operations. At the same time, however, Red Cross-UNICEF officials in Phnom Penh quietly dropped their demands for stringent monitoring; the organizations proceeded with their planning.

On Oct. 26, the first Red Cross-UNICEF barge of supplies arrived at Kompong Som. The next day, Heng Samrin's foreign minister, Hun Sen, told their men in Phnom Penh that the government would continue to deal with them. The UNICEF mission cabled New York to say, "We do not expect to receive written confirmation, though we shall keep open the possibility of receiving one. We shall consider the minister's clear verbal expression can be regarded as adequate basis for continued operation . . . whole meeting was businesslike and entirely without political reference or overtone . . . a clear advance in relationship of government and joint mission."

It was with this sort of informal, and hardly satisfactory understanding—nothing definite and nothing on paper—that Red Cross-UNICEF went ahead with their full-scale relief operation. Their plan called for bringing about 165,000 metric tons of food

into the country over a six-month period. Seven more barges followed the first one into Kompong Som during November and December; by the end of last year, according to UNICEF officials, about 26,000 tons of supplies had been delivered by them to Cambodia.

Next: Who received the food?

[From the Washington Post, Mar. 18, 1980]

FOOD AID: TALE OF DECEIT, OBSTRUCTION

(By William Shawcross)

BANGKOK.—Just before Christmas last year, a senior official in the Vietnamese-installed administration in Cambodia joined the tide of refugees flooding across the border into Thailand. Once safe in a refugee camp he told Western relief officials a story that stunned, and disheartened, them.

This Cambodian had been highly placed in the Ministry of Commerce and had watched over the receipt and distribution of international food aid in Phnom Penh. He had represented the Heng Samrin government in meetings with foreign officials involved in the emergency relief effort.

One-half of all the international aid reaching the port of Kompong Som, the defector told Red Cross officials, was being trucked to Vietnam. Almost all of the rest was being warehoused, apparently for sale to the starving people of Cambodia once a currency had been reintroduced into the war-ruined nation.

The story of supplies withheld echoed in detail the tales of thousands of Cambodian peasants who had made the same trek and who also said that no food was being distributed in Cambodia despite the great international efforts. His story was shocking; Western officials reacted immediately.

The Cambodian defector (whose name is not being published for fear of reprisal against his family) was immediately shipped off to Paris and put under wraps. Reports of his account were marked confidential, and the relief agencies sought to keep the story from getting out.

This reaction was almost a reflex for relief officials who for several weeks had been uncomfortably aware that much of the food they were funneling into Cambodia was not reaching those for whom it was intended, but who did not want that generally known. They were aware that stories documenting this would upset their two most important constituencies—the donors in the West, who would cut gifts, and the Vietnamese, who if attacked might halt the largest, best coordinated attempts to save Cambodians from mass starvation.

In Geneva, the International Committee of the Red Cross now says that only a few hundred of the 26,000 tons of food delivered to Cambodia last year had been distributed from Kompong Som by the end of December. Most of the rest had been stored by the Heng Samrin authorities.

It was at that time that a teacher from Phnom Penh told a Western embassy official on the border:

"People are dying on the road and in the villages because they have no food, quietly dying of starvation."

Refugees from Kompong Speu Province were telling officials in Thailand then that 30 to 40 people a day were still dying in their districts. Suicide was said to be common.

That, however, was not the picture being painted by the Vietnamese or by many journalists and relief officials allowed to visit Cambodia. They reported instead that the famine was coming under control and Cambodia was coming back to life.

Only one explanation of the different views seems possible. Both are accurate. In some parts of Cambodia, the government has been handing out food in adequate amounts. Those are the parts that the government politically controls. In other areas—where insurgent Khmer Rouge and other anti-Viet-

namese groups are active—they have not allowed relief distribution, even if starvation results.

Relief officials and independent observers agree that the situation inside Cambodia now seems to have improved. Since the beginning of the year, the Heng Samrin government has gained confidence in the agencies and the agencies, in response to criticism from home, appear to have been more insistent on on-site inspection of food distribution.

But the accounts of refugees, including the Ministry of Commerce defector, and the embarrassed silence by relief agencies during a critical period last year suggest that the possibility for new tragedy still exists in Cambodia, which remains balanced on a knife's edge.

Speaking in December, the defector asserted that very little food was reaching the people at all, because even what was being distributed from the warehouses remained in the hands of province chiefs. He also maintained that food sometimes was "distributed" merely to deceive visiting aid officials, who wanted evidence of distribution. As soon as they had left, the food was taken back again.

The Cambodian people liked the international agencies, the refugee said, and were grateful for their help. The Vietnamese did not like them however, and considered those Cambodians in contact with them to be enemies of the party. This was why he had fled.

His alarming account came at a bad time for the relief agencies, particularly for groups such as Britain's non-profit Oxfam, which had staked their reputations on the willingness and ability of the Cambodian government of Heng Samrin not only to receive, but also to distribute supplies. Yet the story was not a complete surprise to them.

Through November, more and more food had been brought into Kompong Som, and then into Phnom Penh, but relief officials became uncomfortably aware that the warehouses were not being emptied at nearly the speed at which they were being filled.

In most international relief operations of the Cambodian scale, the contributing agencies expect—or are automatically allowed—to monitor distribution of their food and other supplies. In the case of Cambodia, Oxfam, bowing to the political concerns of the Heng Samrin government, consciously had waived this right. The Red Cross and UNICEF had, in effect, made similar concessions, though less publicly. They also had agreed to run their programs with very small staffs—Oxfam had seven people in Phnom Penh; Red Cross-UNICEF had 12.

In late November, a furious debate erupted in the Western press. Were the Vietnamese and the Phnom Penh governments now withholding the food they had allowed to be sent—or even diverting it to Vietnam?

Vietnam was experiencing its own food shortage, and some charged that the food was simply unloaded in Cambodia, then trucked eastward across the Vietnamese border. Others said the Vietnamese were using the food as a political weapon inside Cambodia, withholding it from those who lived in zones still controlled by the Khmer Rouge.

The State Department announced its belief that the hold-ups in distribution were indeed deliberate. Francois Ponchaud, a French Jesuit who had diligently chronicled the destructiveness of the Khmer Rouge in his book "Cambodia, Year Zero," maintained that the Vietnamese were conducting a "new, subtle genocide" against the Cambodian people.

International aid officials hastened to disagree. On the contrary, they said, they had no evidence of deliberate obstruction by the Phnom Penh or Vietnamese authorities.

Malcolm Harper, Oxfam's man in Phnom Penh, said he was confident that aid was

beginning to reach those for whom it was intended.

Oxfam also acknowledged, however, that its ability to make any real inspection of distribution was limited. Its aid was simply handed over to the relevant government ministry, and only occasional on-site inspections were permitted. Fortnightly reports were supposed to be submitted to the agencies concerned; Oxfam acknowledged the first of these reports to be "useless."

The aid officials argued that any shortcomings in distribution were because of logistical problems—the inevitable result of Khmer Rouge destruction. There were no forklift trucks at the airport; no cranes at Kompong Som. The few officials in Phnom Penh's skeletal government had almost no idea of how to handle large quantities of supplies. All planes and boats had to be unloaded by a weak and unskilled labor force.

The railway from Kompong Som to Phnom Penh was inefficient; the roads often were impassable because of the lack of bridges and repair. A journey that had taken a few hours before the war now took several days in many cases.

"Building up the transport capacity was a very serious and rather lengthy problem," said Jacques Beaumont of UNICEF, who is now back in New York. Like other aid officials, Beaumont tends to blame physical rather than political constraints for the slowness of food distribution at the end of last year.

Refugees, however, continued to tell a very different story.

They spoke of theft by the Vietnamese and said they sometimes were sold, rather than given, food provided free by the international agencies. Many said that Soviet corn was much more widely available than Western rice, but that it was of poor quality and required hours of boiling before it was edible.

Since 1975, when they first began to talk of Khmer Rouge atrocities, Cambodian refugees to Thailand have told alarming stories about conditions in their country. Their descriptions of Khmer Rouge behavior were found to have been largely accurate.

International relief agencies have two responsibilities: to the starving people they are supposed to assist, and to their donors—in Oxfam's case the hundreds of thousands of British schoolchildren who had sold their toys to send food to Cambodia.

To try to feed Cambodians, the agencies had accepted unusual restrictions and conditions on their operations. Once inside Cambodia, they were loath to acknowledge that their efforts were being undercut by the government in charge. To be able to stay, they apparently felt that they were not free to voice their frustrations openly.

Food does now appear to be more widely available than before Christmas.

The agencies remain cautious, however. Although many aid officials publicly criticized the February "March of Survival" organized by groups such as the International Rescue Committee and Joan Baez's Humanitas to protest poor food distribution, these same officials said privately that such continued pressure helped them make their point in Phnom Penh.

Although much more food seems to be leaving the warehouses of Kompong Som and Phnom Penh, there is now a dispute among aid organizations as to just how much food actually has been sent. According to the World Food Program, which is responsible for purchasing and shipping the food for the Red Cross UNICEF effort, 59,000 tons had arrived in Cambodia by the end of February. But J. P. Hocke, the director of the Red Cross operations, said recently that the figure was only 38,000 tons.

These figures have bearing on similar discrepancies in the amount of food actually shifted from the warehouses into the countryside. At the end of February, UNICEF in Bangkok declared that 26,000 tons had been distributed between Jan. 14 and Feb. 14. A few weeks ago, the Red Cross said that about 27,000 tons had been distributed between the end of October and the end of February.

Whichever figures one accepts, they confirm that distribution of food until the end of 1979 was minimal.

Inevitably this poor distribution killed many Cambodians. How many is not known. The original fears for "2 million dead by Christmas" may have been exaggerated, but one U. S. analyst now reckons that at least half a million people died of famine last year.

In January, new UNICEF director Jim Grant visited Cambodia and pronounced himself very impressed with progress made in distribution. Grant was especially encouraged that the authorities had allowed the wet season rice harvest (only about 15 percent of a normal year's crop) to remain in the villages.

Journalists who have visited Cambodia in recent weeks also have been impressed. Cambodia, they feel, is coming back to life under the Heng Samrin government. Yet refugees continue to tell of food being withheld, and thousands keep coming to the Thai border for supplies.

On one thing there is agreement: famine will recur on Cambodia unless a decent crop is planted and harvested this year. For this international supplies of seed and food must continue, and be adequately distributed, until at least the end of 1980. Otherwise the disaster will be repeated.

The poverty of Cambodian society today cannot be blamed on the Vietnamese. It is the product of 10 years of disruption and war and, in particular, of four years of rule by the Khmer Rouge. But at the same time, the Khmer Rouge cannot be blamed forever for the continuing problems of Cambodia.

There is no doubt that the Heng Samrin government is far more benign than that of the Khmer Rouge's Pol Pot. But questions about Vietnamese intentions remain.

Why did they wait until July, six months after taking over Cambodia, to appeal for help? Is paranoia over Western intentions toward them an adequate excuse for restricting the size of relief teams allowed into Phnom Penh? Is the destruction of the infrastructure by the Khmer Rouge sufficient explanation for the disparities in distribution? Most important, perhaps, why has it taken so long for them to put together an effective Health Ministry?

Throughout 1979, the Heng Samrin government asserted that all but 50 of the 500 doctors formerly in Cambodia had been murdered by the Khmer Rouge. In any case, it was apparent to all visitors beginning last summer that medical care was dreadfully inadequate.

Yet the Ministry of Health remains one of the most ineffective government agencies in Phnom Penh. Its tiny staff spends much of its time receiving foreign delegations. In early December, Oxfam officials in Phnom Penh complained that the "January 7" Hospital still had no supplementary feeding facilities, even though there were plenty of supplies in Phnom Penh.

The government's refusal to allow an army of Red Cross bureaucrats into Cambodia may be explained by suspicion about Western intentions. But does this explanation also justify the government's refusal to allow Western doctors and nurses into the country? Since early last year dozens of groups—including Medecins San Frontieres, a French medical group that sends personnel all over the world—have sought to come and help.

They have been consistently refused. It was only last month that the Red Cross was allowed to bring 10 Soviet, five Hungarian and six Polish doctors and nurses into the country. Four East Germans are said to be on the way. Even when the 60 Vietnamese medical personnel and a Cuban team that have been in Cambodia since last summer are added, this is a very, very small, number for an exhausted, sick, starved population now thought to number around 5½ million. It is hardly indicative of a government which adequately cares for its people.

[From the Washington Post, Mar. 19, 1980]

THAILAND STILL WARY OF ACCEPTING SWARMS OF DESPERATE REFUGEES

(By William Shawcross)

BANGKOK.—The Vietnamese control most of Cambodia. But they do not control the largest Cambodian city. That is not in Cambodia at all, but in Thailand. Its name is Kao-I-Ding, and it is run by a young British journalist working for the United Nations High Commissioner for Refugees (UNHCR).

This is a time of runaway inflation in the refugee business, with about 12 million refugees scattered around the globe. UNHCR deals with a population bigger than that of many nations.

Refugees are citizens of a nether world, a fourth world that in international terms is an unwanted world—particularly in countries of the more familiar Third World to which most of today's refugees initially flee.

In the West, refugees arouse compassion—for a time—and some of them are given practical help—for a time. Often, though, Western attention moves on, before any real solution has been found for them. The country in which they have sought "first asylum" is forced to give them a permanent home. As a result, the principle of first asylum is being eroded. It is just too expensive.

The story of the tensions between UNHCR and the Thai government, which has not signed the U.N. Covenant on the Treatment of Refugees, is certainly dramatic, but it is not unique. It helps illustrate the difficulties faced by a sometimes inexperienced international agency when dealing with a government that is, at best, a reluctant host to the casualties of a neighboring disaster.

At the same time, the precarious position of the Cambodian refugees—at least 150,000 in makeshift camps along the Thai border as well as another 150,000 in UNHCR camps inside Thailand presents a serious long-term political problem not only for Thailand but also for the world. And American and other officials in Bangkok are terrified that if the West does not immediately find what UNHCR calls a "durable solution" for them, the Thai will act unilaterally and drive them all back by force—with terrible loss of life.

Twice last year, in fact, Thai authorities organized forcible mass repatriations of Cambodian refugees to their native battleground to face almost certain death.

Now fears for the refugees are being expressed with greater urgency every week by Western officials in Bangkok. The replacement of Prime Minister Kriangsak Chamanan last month by a government thought to be more hostile to the refugees is one reason. Another is the approach of the rainy season. Floods would provide the Thai government with a convenient excuse for clearing the refugee camps, none of which is well enough constructed to withstand the rains.

Some sort of crisis is imminent, insist State Department officials.

Lionel Rosenblatt, head of the U.S. Embassy's Kampuchea Emergency Group, is anxiously trying to find countries to take as many refugees as possible—now. It is a measure of his concern that he is even

prepared to consider a scheme that strikes some relief officials as distasteful—the proposal of an American voluntary agency to resettle Cambodian refugees in Jonestown, Guyana.

Rosenblatt even has a memorandum identifying those areas of the world's oceans that are shallow enough to build artificial islands. The islands could then be used as havens for refugees. Rosenblatt also has considered the idea of creating self-supporting refugee communities on existing uninhabited islands.

Denial of refuge has been outlawed by the U.N. Covenant on Refugees. Yet governments have duties to their own citizens as well, and they often see these as conflicting with the claims of masses of homeless, indigent foreigners. All too often refugees threaten to become not just an economic burden but also a source of both internal and external political conflict.

One of UNHCR's primary responsibilities is to protect refugees from forced repatriation. As the Red Cross and UNICEF have tried to do on food aid to Cambodia UNHCR's international civil servants have chosen to refuse to publicize open Thai violations of this principle, in favor of trying to work quietly to get the Thais to change their attitudes about the Cambodian refugees.

In the process, lives have been lost. But international officials have argued that long-term interests have been served.

Refugees began to flee Vietnam, Laos and Cambodia as soon as the communists won victory in 1975. (Until then the war had created millions of refugees within those countries.) Between 1975 and 1979 Thailand, which borders both Laos and Cambodia, accepted about 150,000 refugees from those countries on the grounds that they were fleeing communist regimes. Immediately after the January 1979 Vietnamese invasion of Cambodia, thousands more refugees headed for Thailand.

The Thai government, however, announced that these refugees were different. Many of them, government officials asserted, were communists fleeing an internecine dispute between two communist factions, and therefore could not be allowed to stay. Those who did enter the country in the first few weeks of 1979 were put under military control rather than, as before, under the Interior Ministry. They were not given refugee status; instead they were labeled "illegal immigrants."

UNHCR offered to help care for the new arrivals. The Thai government refused assistance. Refugees came in small numbers between January and April. Some were allowed to stay; many were pushed back into Cambodia by the Thai military.

In April, the Vietnamese mounted a new offensive against Khmer Rouge strongholds in Western Cambodia. This attack pushed about 40,000 people into Thailand. Again UNHCR offered its services; again the Thais refused. Thai officials made clear that they were unwilling to accept any "strings on the way they dealt with 'illegal immigrants'." They apparently felt that the very presence of UNHCR would raise the Cambodians' status.

On April 12, 1979, a group of about 1,700 "illegal immigrants" at the border town of Aranyaprathet—many of whom had relatives in Thai camps for pre-1979 "refugees"—were loaded by the Thai military onto buses. They were told they were being taken to another, better camp site. It was not true. They were forced at gunpoint back over the border into Cambodia where they faced death, from either starvation or the continued fighting.

UNHCR reaction was muted. No protest was made, except by the field officer for the Aranyaprathet area, David Taylor. When the Thais tried to force more refugees back over

the border a few days later, Taylor rushed to the scene and dramatically barred the way. He saved one group.

Taylor's effort was written up critically—in the local press. Thai officials were furious at this "intervention in Thailand's internal affairs." They demanded Taylor's withdrawal from the border. His life was threatened.

Taylor was withdrawn, and UNHCR sent no one to replace him for several months. For much of 1979, the UNHCR office in Bangkok was also without a Regional Protection Officer, the post with overall responsibility for preventing forced repatriation. So neither on the border nor in Bangkok did UNHCR have officials dealing full time with the repatriation crisis.

At that time the official policy of the Bangkok office of the UNHCR was not to antagonize the Thais lest they treat the Cambodians even worse. Many junior UNHCR officials were strongly opposed to this seeming acquiescence in forcible repatriation. They felt it would only encourage the Thais, and they seem to have been right.

In May, U.N. Secretary General Kurt Waldheim visited Aranyaprathet. Cambodians there protested to him about the forcible repatriation of their kin, and he insisted on visiting 4,000 newly arrived "illegal immigrants."

Waldheim took the issue seriously and raised it with Kriangsak, then Prime Minister. He emphasized that as far as UNHCR was concerned these were genuine refugees who must not be forced back into Cambodia; UNHCR would do all it could to help. The Prime Minister made no commitment.

The government was obviously not impressed. The next repatriation was far worse.

In June the Thai military gathered some 40,000 refugees who were camped along the border (including the 4,000 whom Waldheim had visited), bused them away and then forced them, at night and at gunpoint, down a steep cliff, across a minefield and back into Cambodia. There was no water there. Many who tried to move forward were killed by mines. Many who tried to move back were shot by Thai soldiers. Thousands died.

The International Committee of the Red Cross (ICRC) issued a strong protest against this action. Once again UNHCR failed to do so. The head of the Bangkok office, Leslie Goodyear, argued that to criticize the government might provoke harsher measures. Some of the so-called "young Turks" in the office wrote to Geneva headquarters to complain.

Obviously the decision as to when forceful protests are required and when discretion is more valiant is difficult. Goodyear was not alone in believing caution to be the best course. The voluntary agencies in Thailand were also divided.

After the April repatriation the main coordinating group of the voluntary agencies protested to the Ministry of the Interior. The effect was, however, badly undercut when World Vision, one of the largest Christian agencies trying to work with Cambodians, wrote a letter to the Ministry of the Interior disassociating itself totally from the protest.

The forcible repatriation issue was one that Western embassies also found difficult to address. Few, if any, seem to have made any effective protest.

The U.S. Embassy, however, was able to rescue about 2,000 of the refugees involved. The U.S. Ambassador, Morton Abramowitz, has throughout the crisis been one of the most effective and energetic spokesmen for the Cambodians.

At this time Prime Minister Kriangsak told diplomats that the policy of repatriation would be stopped only if the world paid attention to Thailand's predicament at the forthcoming Geneva Conference on Indochinese refugees in July.

In the event, Thailand's problems were practically ignored, as was Cambodia itself, at Geneva. All through last summer attention was fixed only on the Vietnamese boat people. But at Geneva the United States raised its monthly quota of Indochinese refugees to 14,000 and promised that a large number would be Cambodians from Thailand. The Thai government seemed appeased.

By early September it was clear that conditions in western Cambodia were becoming more desperate than ever and that a massive flood of diseased, exhausted, starving people—far greater than any before—was about to swamp the border.

Until now voluntary agencies, particularly Catholic Relief Services, had been putting food across the border to feed Cambodians. Now the Thai government encouraged the international organizations to become more closely involved. This was not popular with some voluntary agencies, which felt they were doing an adequate job and that the international organizations were too steeped in diplomatic problems to be effective.

On Sept. 18, the Thai government's chief refugee coordinator, Air Marshal Sithi Sawetsila, called a meeting of 11 Western embassies and several international organizations. ICRC, despite its voluble protest over the repatriation of the 40,000, was invited. UNHCR, despite its lack of protest, was not. Sithi asked for help in coping with an imminent influx of 20,000 Cambodians, but little was promised.

Then Martin Barber and Pierre Jambor, two senior UNHCR officials in Bangkok, persuaded Geneva that it was essential for UNHCR to act. From now on UNHCR performance was much more effective. The agency went to Sithi and offered \$500,000 as a first contribution toward meeting the crisis. The gift was accepted at once, with considerable ceremony.

By now the attention of the Western press was finally directed toward Thailand. Pictures of starving Cambodian mothers and children replaced those of boat people. Conscious of world attention, and at the urging of the U.S. Embassy, Thailand now adopted a new four-part policy:

UNICEF and ICRC were to be helped in running an assistance program to Phnom Penh from Bangkok.

These organizations must also, however, push food across the border in hopes that it would discourage at least some starving Cambodians from fleeing to Thailand.

Holding centers for "illegal immigrants" who crossed the border would be established. Resettlement to third countries must be encouraged.

By mid-October there were at least 100,000 starving Cambodians on or along the Thai-Cambodian border. On Oct. 18 Kriangsak visited the area and, obviously moved by the misery he saw, expanded the government's new policy. Thailand would now have an "open door" and would allow entry to all Cambodians who wished to come. They could either stay along the border, where they would be fed or be moved into "holding centers."

From Washington, first Richard Holbrooke, assistant secretary of state for East Asia and the Pacific, and then Rosalynn Carter flew out to underline U.S. support of this new policy.

Three days later March Malloch-Brown, the English journalist who was David Taylor's eventual successor as UNHCR field officer for the Aranyaprathet area, was dispatched from Bangkok. "I had \$1,000 in my bags and I was told to see if there was anything I could do to help the Thais." He was taken by Thai officials to an empty, monsoon-sodden field near a town called Sakeo, and told to build a camp.

Within five days, 30,000 refugees had been bused there from the border. Brown built a camp around them.

Conditions at first were dreadful. Many refugees—who were mostly Khmer Rouge partisans or civilians under Khmer Rouge control—died en route in the buses. About 40 others died every day for the first few weeks from cerebral malaria, malnutrition, or pneumonia. Housing initially was nonexistent; sanitation worse. Everything was flooded.

UNHCR is an administrative, rather than operational agency, and it had to rely on volunteers and voluntary agencies for staff. Expanding to meet the demand was not easy. It was not until December that Brown was able to employ a full-time engineer; until then he had to rely on a U.S. Embassy aid officer, who was fortunately very efficient.

The speed with which UNHCR created a reasonable township at Sakeo clearly impressed the Thai authorities. On Oct. 30, Sithi asked the agency to coordinate plans for receiving up to 300,000 "illegal immigrants." Another site was found. This was Kao-I-Dung.

Drawing on the experience of Sakeo, Brown helped build a dry-season camp there, and through December and early January, about 112,000 Cambodians were moved in from border settlements, where at least another 150,000 remain.

The Thais now have officially closed Kao-I-Dung to new arrivals, but there is a fairly constant, surreptitious nighttime movement between the camp and the border, as the largest concentration of Cambodians in the world await decisions about their futures with obvious anxiety.

The chief fears are over Thai intentions, and over UNHCR's ability—and willingness—to protect them. The Thai and the Khmer people have never held each other in high regard, and giving sanctuary to the refugees wins a government no support in Thailand. Indeed, the "open door" policy contributed to the fall of the Kriangsak government last month.

In Bangkok, senior Thai officials privately speak of the refugees with contempt, even anger. Newspaper editorials demand their expulsion. Very little has been done by the Thais to prepare the camps for the monsoon. This adds to refugee fears.

An accident at Kao-I-Dung in January reveals Thai-Cambodian dislike. The Thai Red Cross decided to move almost 200 orphans to a special camp run by the Queen of Thailand. With the connivance of UNHCR and Catholic Relief Service officials the Cambodians emptied the orphanages, hiding the children among families. When the Thai Red Cross officials turned up with buses and armed soldiers, no children could be found. They were not amused and threatened to return.

At the moment, UNHCR has been discouraging the growth of a "resettlement mentality" in the camps. Officials argue that everything should be done to encourage their voluntary return to Cambodia. Cambodia will need them, and no other country can take many of them. To this end, Zia Rizvi, the energetic new UNHCR regional coordinator, visited Phnom Penh last month to discuss the issue with the Heng Samrin government.

When news of Rizvi's mission was broadcast over the Voice of America, there was instant panic in Kao-I-Dung. Hunger strikes, even suicides were threatened. Almost no one wishes to return under either the Vietnamese or the Khmer Rouge.

In an interview with the Washington Post a few days before his surprise resignation last month, Prime Minister Kriangsak gave a categorical assurance that Thailand would not repatriate any of the Cambodians against their will.

The attitude of the new government to the refugees is not yet really clear. But just yesterday one new minister made very threatening remarks about them.

Other aspects of Thai policy to Cambodia remain constant and are incompatible—at least in the short term—with creating the sort of stability that alone could make it attractive for the "illegal immigrants" to return to their homeland.

For one thing, the Thai government is directly aiding the Khmer Rouge and other groups to resist the Vietnamese occupation. That is not Thai policy alone. It is shared by all the ASEAN nations, by China and—especially since the Soviet invasion of Afghanistan—by many Western countries as well, in particular the United States.

[From the Washington Post, Mar. 20, 1980]
OPPORTUNISTS THRIVE IN CAMPS' SQUALOR
 (By William Shawcross)

CARDAMON MOUNTAINS, CAMBODIA.—Son Sann is a thin, frail old man who walks through the forests of Cambodia's war zone supporting himself with a stick. He is a guerrilla leader, unlikely as that seems, who is stirring hope in Washington and other capitals that a third force is finally emerging in the struggle for Cambodia.

The idea of a third force in Indochina, neither communist nor corrupt, has always been attractive to the Westerners who have become involved here. Graham Greene ridiculed the notion in his book "The Quiet American" in the 1950s. Yet once again, the idea is being touted for Cambodia. Son Sann is now its symbol.

Sitting under a hurricane lamp in his well-ordered camp high in these densely wooded mountains, Son Sann talked to this reporter recently about his main concern of the moment, which is the same as the main concern of every other Cambodian: food.

Now 68 and in poor health, Son Sann was 17 times a Cabinet minister under deposed Prince Norodom Sihanouk in those halcyon days of the 1950s and '60s, when Sihanouk managed to keep war, hunger and geopolitics largely out of Cambodia.

Son Sann also ran the national bank; now he sends his supporters walking through the countryside telling villagers that his Khmer People's National Liberation Front offers an alternative to both Heng Samrin and the Khmer Rouge and will organize a food distribution system for this ravaged country.

"Our first aim is to try and get food to people in the interior," he said. "We don't think people should forever be encouraged to go to the [Thai] border for rice"—which is handed out in camps often controlled by remnants of the rightist group that overthrew Sihanouk on March 18, 1970.

After spending most of the past decade in exile in Paris, Son Sann formed his front and returned to Cambodia last year. He now controls several villages in the west of the country. At his headquarters he has about 3,000 people, including about 100 Khmer Rouge defectors.

International food aid is brought in by porters every day from Thailand; only a few miles down the mountain. Land is being cultivated. He hopes to make the camp self-sufficient in rice and vegetables by the end of the year.

In those border camps that Son Sann hopes to keep his supporters away from, another group of former officials have risen from the ashes of Cambodia and are flourishing in a corrupt commercialism that the across-the-border feeding operation has encouraged.

The Thai border village of Aranyaprathet is a boom town now, thriving off the despair and misery of Cambodia.

Since the Cambodian refugees flooded into Thailand last fall, over 400 "farang," as foreigners are called here, have converged on the town. Doctors, nurses, nutritionists, spies, administrators, engineers, "disaster groups"—all have been drawn to the crisis.

The local economy has been overturned. Richer Thai families have moved out to cash

in. They rent their wooden homes to "farangs" for over \$500 a month.

Other Thais make other profits. Thousands of traders flock daily to the border sites and "holding centers" to sell cloth, cigarettes, food, combs and soft drinks at inflated prices to their captive market.

The Cambodians are captive many times over, to the hostilities within their own country, to the politics of Thailand, to unpredictable superpowers maneuvers, and even to those who claim to represent them.

This is evident in Ban Mouk Mouen, the terrible slum a few miles north of Aranyaprathet. This squalid corner along the border has been a magnet for Cambodians who cannot find food in their country and who have heard that free food is available from international agencies here. The American Embassy says this food has reached and kept alive a million Cambodians in recent months.

At Mak Mouen, the ghosts of Cambodia's past still stalk the ground. And at Mak Mouen, the imperatives of international and Cambodian politics today intersect. It is a place where relief work by the international agencies has to coexist with intrigue and corruption.

The camp is controlled by a man named Van Saren, a 53-year-old former soldier in the army of Lon Nol, the American-backed rightist who overthrew Sihanouk in 1970. Van Saren claims to be the most "honorable" of the non-communist Cambodian leaders.

In fact, he is a teak smuggler, linked closely to corrupt Thai officials. He uses the camp, littered with piles of garbage and excrement, as a base for a variety of corrupt deals.

Van Saren walks around the camp in a pork pie hat, a large crucifix on a thick chain hanging around his neck. He is always accompanied by a troupe of young men armed with automatic rifles. A few months ago was always seen with a man who called himself (falsely) "Prince Norodom Suryavong" and claimed (falsely) to be related to Sihanouk. Journalists called him "The Mad Prince"; he has now disappeared, perhaps murdered.

In February the Mad Prince's place was taken by an eccentric American. This was a mid-30s Vietnam veteran from Arizona named Gary Ferguson. Van Saren made him his "Minister of Defense" and called him "my son."

Ferguson strode around the camp, shouting instead of talking, with a Colt 45 stuck in his waist. He claimed that Van Saren was his "father" and father of all Cambodia. He threatened to blow out the brains of anyone who demurred.

His most fierce battles were with the doctors and relief workers of the International Committee of the Red Cross, whom he accused of doing little to help the 60,000 or so refugees crammed into the camp. Finally the Thais also grew weary of his outbursts and shipped him out of the country earlier this month.

Van Saren remains and still controls the food that he claims is intended for "the 400,000 persons here who have answered my call." He cloaks his evident gangsterism in promises to return to Cambodia to overthrow the Vietnamese-installed government headed by Heng Samrin.

Much has been made, and with good reason, of the failure of the Vietnamese and the Heng Samrin government to distribute international relief within Cambodia. But the border feeding here has been no better monitored, and there is little to suggest that the rice handed over by the relief agencies to men like Van Saren has been any more fairly shared out.

Indeed, people in the camp claim that he sells them the food they are supposed to have free. Sometimes he sells it back to the Thais, who in turn sell it again to the Red Cross and to UNICEF the next day.

There are now about 20 sites along the border at which international food is distributed by the Joint ICRC-UNICEF pro-

gram. Some are controlled by Khmer Serel, others by Khmer Rouge, still others by so-called "reawakened Khmer Rouge" who claim to be altogether more gentle than before.

In many of these sites the ICRC runs hospitals—in some they treat wounded Khmer Rouge soldiers who then return to Cambodia to fight another day. The medical care is intermittent because ICRC officials will not stay along the border at night.

Several voluntary agencies say they would be willing to do much more at the border if the ICRC would let them work in the camps. But Red Cross officials assert that Thailand has forbidden the organization to allow the voluntary agencies to run what would amount to free-lance relief programs.

Just north of Mak Mouen there is an encampment called Nong Samet. This is run by an anti-communist Khmer Serel leader called In Sakhan, who is 39. Here health conditions are slightly better. There is less of a feeling of menace.

In Sakhan, also a former Lon Nol soldier, is a narrow-eyed man who seems rather more purposeful than Van Saren. They used to be allies; now they hate each other.

But here too distribution of supplies has been haphazard at best. And Western food taken to the Khmer Rouge encampments along the border has undoubtedly directly sustained the remnants of their army—thus helping perpetuate the group that Jimmy Carter called "the world's worst violators of human rights." Also helpful to the Khmer Rouge is medical treatment their wounded receive in some ICRC hospitals along the border.

The most successful distribution point is called Nong Chan, a few miles south of Mak Mouen. It was set up last year by yet another former officer of Lon Nol named Kong Sileah and a diligent ICRC official named Robert Ashe. Here food has been given rather than sold to Cambodians coming from the interior. Tens of thousands of people from the interior have come and still come to Nong Chan.

It is an extraordinary, touching sight. They come with bullock carts, old bicycles and on foot. They sit under the trees waiting for the ICRC-UNICEF rice. They are given about 45 pounds each—roughly enough to feed a family of five for a week—and then they return into the empty interior to a silence punctuated by artillery fire.

A total of about 27,000 tons of ICRC-UNICEF rice has been brought to the border since September (as against 59,000 delivered to the Heng Samrin regime) and, the American Embassy says, been distributed to over a million people inside Cambodia.

Some Red Cross relief workers question this figure. They say that the State Department exaggerates in order to show the Heng Samrin regime even more incompetent than it is.

Some go even further and say that the border feeding is not principally humanitarian but a political magnet to draw people away from their fields, from Heng Samrin control toward the resistance groups, and thus to continue the disruption of Cambodia.

Some relief workers, and some Western journalists also complain about the large number of American officials stalking the border, on political missions, but under the guise of monitoring food. UNHCR and ICRC officials complain that the Americans think they are still in Indochina rather than on its borders, that they are trying to avenge the defeat inflicted by Hanoi in 1975. Embassy officials, however, assert that their oversight stimulates the sluggish international organizations into action.

And, whatever mixture of motives ascribed to them, the Americans can convincingly argue that the efforts they back continue to save lives. About 116,000 people, according

to UNICEF, are now coming every week to Nong Chan and other sites for supplies.

But this system is precarious. The free distribution at Nong Chan undercuts Van Saren's operation and also hurts Thai officials and traders profiting from sales of free rice. At the end of 1979 Nong Chan was attacked by Van Saren's soldiers and shelled by the Thai military. The attacks closed Nong Chan.

The free distribution was restored in January but in mid-February the local Thai commander, Col. Prachak, suddenly ordered it stopped again. He asserted that over 60 percent of the rice being taken back into the interior was being "taxed" by the Vietnamese Army.

The American Embassy protested fiercely. When Richard Holbrooke, Assistant Secretary of State for East Asia and the Pacific, visited Thailand last month, he remonstrated with the Thais about the closure. The feeding was resumed.

But that sequence only underscored how much power an official like Col. Prachak—a rising star in the Thai Army and thought to be even better placed with the new government—has over the precarious cross-border feeding. Despite the best efforts of the American Embassy and State Department, and even though at least half a million people are now dependent upon it, continuation of the feeding effort cannot be taken for granted.

The whole Cambodian relief effort can be at best only a temporary, time-buying proposition, one that will keep Cambodians alive long enough to arrive at a solution to their continuing political conflicts, which have grown even more intractable and horrible than Graham Greene and other prophets foresaw.

When Greene was writing, the protagonists in Indochina were involved against colonialism. There was no space for a third force. Now, nationalism has been subsumed by totalitarianism in Vietnam, and in Cambodia it has been consumed by Pol Pot's Khmer Rouge. In each case, nationalism has been horribly deformed. If Son Sann or other serious leaders could embody Cambodian nationalism, then there would be a possibility that their movements could yet play a significant role in Cambodia's evolution. But now, as ever in Cambodia, that evolution will be dominated by events and political priorities way beyond the control of the Cambodians themselves.

[From the Washington Post, Mar. 21, 1980]
**FAMINE CONDITIONS WILL PERSIST UNTIL
POLITICAL ACCORD IS FOUND**
(By William Shawcross)

Damaged by 10 years of warfare and neglect, the ancient docks of Phnom Penh have sprung back to a busy life in the last three months. Thousands of tons of relief food have been shipped up the Mekong River and laboriously unloaded, often by hand, and placed in dilapidated warehouses in the still eerily empty Cambodian capital.

Last week, two of the port's three spindly wooden piers collapsed, shutting off the food flow for the foreseeable future. The accident has come at a crucial time for a \$500 million international relief effort that seems at times to be resting on similarly uncertain foundations.

The Cambodia relief operation is now engulfed in several crises. Unless they are resolved immediately they threaten to undo all that international aid has so far achieved in these areas:

Seed. Unless 30,000 tons of rice seed is purchased, shipped to Cambodia and distributed to village level in the next two months, the 1980 wet season crop will not be planted. Last year's cycle of famine will recur, and huge international food shipments will be needed at least until the end of 1981. If it is possible to imagine, the condition of the peo-

ple will be even more wretched than it is today.

Money. Unless the United Nations Children's Fund can raise another \$80 million at once its whole program—not just rice seed—will be threatened. U.N. Secretary General Kurt Waldheim has called a meeting of potential donor countries for next Wednesday at the United Nations to raise \$260 million to keep the U.N. program going. So far, little has been pledged.

Politics. The Soviet invasion of Afghanistan—and U.S. reaction—have made moves toward any political compromise by any of the parties more difficult still. Yet without compromise the very best the international relief effort can do is to keep Cambodia teetering on the brink of disaster.

At the present moment, the odds are extremely high that none of these overlapping races against time will be won. Bureaucratic inefficiency has helped slow the seed effort. Budget cutbacks and Western economic malaise appear to doom the drive for more money. And the political conflict shows no sign of abating.

That more tragedy will follow is a bitter truth for Cambodians. But it will weigh heavily also on a world that will have shown that it did not learn enough from the last year of disaster to find ways to halt the suffering now.

This series has sought to trace the humanitarian and political responses of the international community to the Cambodian tragedy, one of the great man-made disasters of our time.

In recent months, the plight of Cambodia has stirred emotions and action across the world. But a genuine outpouring of humanitarian concern has been constantly limited by political and bureaucratic constraints.

Inevitably the international system's response has been ad hoc—as it must be to any emergency. It has been well-intentioned in many respects, inadequate in others. International civil servants have careers to promote and parishes to protect. They also have to work within the rules laid down by governments with different priorities.

In the villages of central Cambodia, another rice crop—the small dry-season crop planted in the fall and due to be harvested now—has failed. There is now a race against time to get a wet season crop planted before the monsoon inundates the land in May and June.

The Food and Agriculture Organization (FAO) had planned to ship 30,000 tons of rice seed into Cambodia early this year. The U.N. agency planned to provide seed for a million acres of land in six provinces. In the 1960s, when Cambodia exported a rice surplus, 3 million acres were planted.

Every ton of seed, properly planted and harvested, provides six to 10 tons of rice. The FAO plan would give Cambodia a 200,000-ton harvest by the end of 1980. That seemed a realistic, and crucial target for Cambodia when FAO began planning its effort six months ago.

But now, the organization says it has not even purchased large quantities of seed, let alone shipped it. The explanation is that FAO is short of funds and that the appropriate seed is in woefully short supply.

Thus far, FAO has bought just 3,000 tons of seed in the Philippines and with the private British relief agency Oxfam is negotiating for another 15,000 tons in Thailand. The Thai government still has not granted an export license.

The arithmetic is this: only a fifth of the normal crop is to be planted this wet season; 30,000 tons of seed have to be found, bought, officially exported and either pushed across the border or shipped to Cambodia, unloaded, processed through the primitive distribution system and rushed out to farmers—in six to eight weeks. It could still just

be done. But not at the present rate of progress.

Fertilizer and farming equipment are also badly needed. Some has been shipped in by the international relief plan and Oxfam. More is required.

At the same time more relief food than ever is urgently needed for the existing emergency. If rice seed alone is shipped to starving villages, it will be eaten, not planted. There are already reports of seed being eaten in villages. In the week this series has been running, U.S. Embassy officials along the border have been reporting to Washington worse stories of starvation. The breathing space has gone.

Back in January the International Committee of the Red Cross and UNICEF had planned to ship 200,000 tons of food into Cambodia this year. Latest reports from the field are that at least 230,000 tons will be needed—an increase of 15 percent.

Even if all these supplies can be bought and shipped in time, it looks unlikely that they can be landed and distributed. Even before the collapse of the Phnom Penh dock, the logistics of the country were under severe strain.

Warehouses at the port of Kompong Som are again clogged up. The Soviets have resumed large shipments; their ambassador in Phnom Penh has told UNICEF that Moscow will send 130,000 tons of food this year. (Until now the State Department estimates that the Soviets have sent about 67,000 tons, as against 59,000 tons from the West. The Heng Samrin regime says more—186,000 tons from the socialist bloc.)

The international organizations are desperately looking for new distribution routes. These include trucks from the port of Ho Chi Minh City (Saigon) and more use of river barges up the Mekong and Tonle Sap in Cambodia. The Heng Samrin government still refuses to allow a formal "land bridge" by either road or rail from Thailand or direct flights from Bangkok to provincial Cambodian airports.

Altogether, the outlook for this year's wet season crop is gloomy. One senior UNICEF official puts it at "less than 50-50." This means food dependence, and an expensive international aid program until at least Christmas 1981. By then the cost will be close to \$1 billion.

And yet money is already running out. The international organizations have spent \$205.5 million on Cambodian relief since September. The United States has been the largest contributor, providing \$72 million. Waldheim is now seeking a further \$262 million through the end of 1980. Financial cutbacks in the United States and elsewhere are combining with irritation over the distribution problems to make donor countries reluctant to be very generous.

The United States contribution is now hostage to the budget cuts decreed by President Carter and to the battle over the foreign aid bill in Congress. State Department officials say they still have no idea how much the United States will be able to pledge to the new appeal, but one said there is a serious danger it will only be "peanuts". Without a U.S. contribution at least as generous as before, the aid program could easily collapse.

That is true in part because the State Department has played a major moral as well as financial role in the relief effort. U.S. Ambassador to Thailand Morton Abramowitz was among the first officials anywhere to warn of impending famine.

Rosalynn Carter has attached her own and the president's prestige to the Cambodia effort, although some White House staff members—most particularly national security adviser Zbigniew Brzezinski—are widely thought by relief officials to have leaked

negative and exaggerated reports on Soviet and Vietnamese obstructions as a way to move American policy closer to the more hard-line Chinese policy on Cambodia.

The impact of the "China card" effort and of the budget cuts on the relief effort is not yet clear. But officials at the State Department have been warning voluntary agencies that the United States may not still be able to take 14,000 refugees a month in fiscal 1981, despite President Carter's previous commitment. Any reduction in the number of refugees coming to the United States would seriously undercut Thai willingness to allow refugees to stay.

Over all the difficulties of seed procurement, distribution and finance loom the political problems. Without their solution the relief effort will continue to be obstructed—by all sides. And conversely, until and unless the political problems are solved, the relief effort will have to continue.

Ten years after the North Vietnamese, Richard Nixon and Henry Kissinger drew Cambodia into war, games are still being played with the country. The principal players inside Cambodia are:

The Heng Samrin government, installed in Phnom Penh by the Vietnamese after Hanoi's invasion 14 months ago. It is still utterly dependent on Vietnam—for example, the only telephone system is the Vietnamese Army line.

Pol Pot's Khmer Rouge. Reduced to at most 25,000 troops in the west and northeast, the fear of their return is a principal reason for some Cambodian tolerance of the Vietnamese occupation. The Khmer Rouge are mounting an extraordinary diplomatic campaign to capitalize on the anti-Sovietism which has followed Afghanistan—including requests to "forget the past" made at press conferences in luxurious jungle headquarters—but they are growing weaker, despite support from China through Thailand. Still, however, they are tying down the Vietnamese.

The Khmer Serei. The only serious group is Son Sann's Khmer People's National Liberation Front. Son Sann's army is run by Dien Del, one of the most effective commanders in Lon Nol's army from 1970-75. Son Sann is recruiting in the refugee camps in Thailand and has been given around \$1 million by China. The United States is giving, at the very least, tacit support to his group.

The deposed Cambodian leader, Prince Norodom Sihanouk, is now touring the West arguing that he, and only he, can bring peace. Like the Pope, Sihanouk does not have many divisions and he has petulantly refused to align himself with Son Sann.

It is not easy to imagine the Vietnamese, who still have 200,000 troops in Cambodia, and their principal allies, the Soviets, accepting the international conference that Sihanouk says must be called to resolve the Cambodian conflict. Hanoi says the situation in Cambodia is "irreversible."

But the war is costing the Soviet Union \$2 million a day. Vietnam's own economy is in shambles and it faces a 1980 food deficit of its own of at least 2 million tons. Until now the Soviet Union has sent food aid to Vietnam; this year, after the U.S. cutback of grain, Moscow has told Hanoi that no such aid will be available.

For China, the Cambodian war costs almost nothing to sustain. It ties down Vietnamese troops and bleeds the military and economic force of Hanoi. Peking seems prepared "to fight to the last Cambodian" by supporting the Khmer Rouge and other guerrilla resistance indefinitely. Unlike the Soviet Union, China has not sent any humanitarian aid to Cambodia.

Whether the new understanding between Peking and Washington extends to Cambodia is one of the keys to a resolution of the crisis of Southeast Asia.

One statement of the U.S. position was given in a background briefing to reporters in Bangkok by a U.S. official who accompanied Defense Secretary Harold Brown to Peking in January: "The U.S. shares common interests with China on Indochina," the official said. "That is to dilute the Soviet influence in Indochina and get the Vietnamese out of Cambodia. China's objective is to ensure maximum Khmer resistance, not necessarily only through the Khmer Rouge. They are looking to a lifespan of three to five years. It is in U.S. interests to see a neutral and independent Cambodia."

But he added that the United States understood that "any political settlement would have to take into account Vietnamese interests. That is that a government in Cambodia should not be hostile to Vietnam." That is not the Chinese position.

Other U.S. officials have said that the United States seeks a compromise and would willingly go to a conference if only others would attend. But that China, Vietnam and the Soviet Union show no sign of doing so.

A new international conference as such is not essential for Cambodia. Compromise is. There are formulas. The essential elements seem to include the following:

The West must recognize that Vietnam is the dominant power in Indochina by reason of numbers alone. (51 million Vietnamese, 3 million Lao, 5 to 6 million Cambodians.) Vietnam has legitimate security interests in Cambodia. Sihanouk understood that in the 1960s. His successors, Lon Nol and Pol Pot did not; and their assessment led to disaster.

If the Vietnamese were ever to withdraw some or all their troops, it would probably only be if a friendly government in Phnom Penh were guaranteed. One scenario is a broadening of the Heng Samrin government to include Son Sann and other independent politicians. Secret contracts are already rumored. A grand coalition could not include the Khmer Rouge, whose behavior has anyway surely forfeited them any right to return to power.

Whether or not the Vietnamese would tolerate the return of Sihanouk to Phnom Penh is not clear. But he is probably the only figure, battered though he is, whose presence there could persuade large numbers of refugees to return of their own free will to Cambodia.

As an incentive to the Vietnamese the West and Japan should offer a long-term relief and rehabilitation plan for all Indochina. And the United States could offer normalization of relations as part of the conference.

Such suggestions may seem utopian. But the overwhelming impression gained in a thorough examination of the problems of Cambodia today is that the only alternative to an imaginative political leap is a dismal downward spiral.

The leap could be made first by the United States and by the Association of Southeast Asian Nations taking a new "initiative" toward Hanoi. If ASEAN leads, the West, particularly the United States, would have to follow.

Every age has its symbols of horror. The destruction of Cambodia is symbolic of our own time. There are other contemporary disasters—in East Timor and Ethiopia to name but two. But for complex reasons—political, emotional and merely logistical—Cambodia has recently attracted more attention.

Precisely because of the concern it has belatedly aroused, Cambodia is now a vital test: When there is worldwide consensus that a human disaster has occurred, is occurring, and will, unless actively prevented, continue to occur it is possible for nations to agree that it must be prevented?

Or will short-term often hypothetical political concerns condemn not only Cambodians to death today but also the rest of mankind to be seen in history as accessories to another great crime of this century?

That is the issue. If the community of nations does not have the political will to save Cambodia, then that community cannot be confident of having the will ultimately, to save itself.

RECESS SUBJECT TO THE CALL OF THE CHAIR

Mr. ROBERT C. BYRD. Mr. President, I have no indications from the cloak-rooms that any Senators want to speak tomorrow on the conference report. I therefore shall, after consulting with the distinguished acting Republican leader, recess the Senate later today over until Monday. But there may be Senators who still wish to speak this afternoon. There will be no other business today.

I, therefore, ask unanimous consent that the Senate stand in recess awaiting the call of the Chair.

Mr. STEVENS. I thank the Senator.

The motion was agreed to; and, at 1:58 p.m., the Senate recessed subject to the call of the Chair.

At 3:41 p.m., the Senate reconvened when called to order by the Presiding Officer (Mr. BURDICK).

WINDFALL PROFIT TAX ACT OF 1980—CONFERENCE REPORT

The Senate continued with the consideration of the conference report.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. SCHMITT. Mr. President, it is once again by great privilege to speak with the distinguished occupant of the chair and to further explore the consequences of the so-called windfall profit tax measure.

As I hope most recognize now, it is not really a taxation of profits but a taxation of production—in fact, a taxation on the removal of oil from the ground rather than any tax on the potential or the real benefits of having done that.

The consequences of such an excise tax are that the cost of the tax will be borne as a cost by the businesses so involved and the individuals so involved, and eventually be passed on to the consumer or borne as a loss of capital by those who would invest in new production and increased production from existing wells and reservoirs.

It is interesting, Mr. President, to look at some of the perceptions of the industry that is going to be most adversely affected, or the portion of the oil industry that will be most adversely affected, by this tax on production, that is, of the independent oil and natural gas firms and, particularly, those in the 11 Rocky Mountain region States where a great deal of the current and potential area for increased exploration and production exists.

A recent survey done by the Gladney Co. of Denver for the—well, it does not indicate here that it was done for anybody—but done by that company indicates that in those States of Colorado, New Mexico, Arizona, Wyoming, and others 82 percent of the companies that answered the questionnaire believe that the U.S. energy situation will be worse in the 1980's as a decade compared to the 1970's.

In their more detailed responses, the chief reason for this pessimism was that Government interference with the production of oil and gas was going to make it impossible to accelerate the availability of those commodities to the American people.

Fifty-two of the 128 firms, that is 40.6 percent, answering the poll said that Government laws, regulations, and the strangling bureaucracy together was the primary cause of their particularly adverse and pessimistic outlook.

Another 20 firms or 15.6 percent specifically cited the Government's proposed windfall oil profit tax.

A majority, 56.2 percent, said that this tax, if signed into law, will reduce their exploration and production activities in the next 3 years.

These firms also blame, in general blame, the U.S. Congress more than any other factor for the current U.S. energy crisis. Mr. President, although I am a new Member of this Congress and, I think, as enthusiastic and as protective of the institution of the Congress as anybody else, maybe more so on some occasions, I am afraid I would have to agree with those who think we are the principal cause of our present dilemma.

We have been, as a body, for decades unwilling to face up to real world of energy production and energy consumption, and instead have through a series of monumental blunders since 1954 allowed ourselves and administrations and the courts to gradually drive our oil and gas industry either out of business or abroad to produce oil and gas in foreign lands.

The net result, of course, was that in 1973 we were suddenly told by OPEC in no uncertain terms that they had control and were going to keep control unless we began to do something that would change that situation.

We have now had almost 7 years of opportunity since 1973 to do something about wresting control from the OPEC cartel, and I am sorry to say that we have done absolutely nothing but make ourselves either more dependent than we ever were on production and supply from other parts of the world and, particularly, the Middle East, an area of increasing instability, an area where reliability of supply is called into question every day.

Our situation is bad enough, but clearly the situation of our allies is far worse, and although there are some who would say "To heck with our allies, we will take care of ourselves, and if they don't want to help then we will go it alone," I am sorry to say, Mr. President, that that option no longer exists for the United States. We are the champion of the free world, there is no question about that. But without that free world it would be very, very difficult for this country to resist the pressures of oppression, the pressures of totalitarianism, on our national existence and freedom.

The United States had the luxury for 140 years of its existence to basically concentrate on the development of its resources, its own markets internally to build a nation, and during that time I think it was forgotten or at least not realized that we are clearly a maritime

nation in all the true context of that word.

True, we are a very large maritime nation, one of continental dimensions, but there is no way to ignore the fact that we are dependent on the foreign supply of resources, on foreign markets for the health of our economy and for our national defense.

After that 140 years, we found for some 40 years that we suddenly had to recognize that the rest of the world existed, that the British fleet could no longer protect us indefinitely, and that we must be the protector and then the benefactor of freedom in this world, and we fought two World Wars as a consequence of that new international responsibility, however reluctantly we may have accepted such responsibility.

The unfortunate situation is that in the last 25 years or so we fell back on our own ways and concentrated on our own well-being and not on the well-being of our markets and sources of supply and suddenly we are dependent on those sources of supply for our very livelihood, our very national existence. But those sources of supply are no longer acquiescent to our needs, are no longer guaranteed as sources of supply.

How long is it going to take this Congress and this administration, and maybe the American people as a whole, to wake up to the fact that we must not only be independent of foreign sources, unreliable sources, for our essential needs, both economic and defense, but that we must do everything we can to expand our circle of friends in this world?

Certainly the events of the last several months, and particularly the last few weeks, do not indicate that the administration or Congress understand what it means to survive in a very hostile and, unfortunately, unstable world.

Mr. President, one of the issues that is coming up with increasing frequency during this debate is the issue of taxation of Federal royalty oil and the impact of that on taxation on the States. The distinguished Senator from Louisiana (Mr. LONG) referred to this on page 6062 of the CONGRESSIONAL RECORD for March 20, 1980.

In his remarks, he indicated that, although the Senate version of the bill had exempted Federal royalties from taxation, his agreement to such an exemption had been based on that it would have no revenue impact. When he realized that, apparently, there was revenue impact of something like, supposedly, \$2 billion, he advocated, and successfully advocated, that the Senate recede to the House version which would allow the royalties to be taxed.

I think we must ask some questions—and I will allow a response, certainly, next week when the opportunity presents itself—of whether, in a conference, our conferees should be wedded to informal commitments or even formal commitments to other Senators when the welfare of the States they represent is at stake?

Certainly, from a philosophical point of view, one would have to raise the basis in the Constitution of the existence of the United States as a body that repre-

sents the States of the Union as well as the people of their individual States. I do not believe we would find in the Constitution any indication that Senators are obligated to represent other Senators, other than what is necessary to continue to see that the Senate operates on the basis of good will and, when necessary, unanimous consent in order to get the business done.

I realize there is need for being able to be a man of your word in the Senate. But, at times, I think we must also realize that we must represent our individual States.

Mr. President, this becomes an issue, of course, because the law requires—and this is U.S.C. 30, section 191—"All money received from sales, bonuses, royalties, and rentals of public lands under the provisions of this chapter and of the Geothermal Steam Act of 1970," shall be paid into the Treasury and "50 per centum thereof shall be paid by the Secretary of the Treasury as soon as practicable after March 31 and September 30 of each year to the State, other than Alaska, within the boundaries of which the leased lands or deposits are or were located."

The law goes on to say: "Said moneys paid to any such States on or after January 1, 1976, to be used by such State and its subdivisions as the legislature of the States may direct."

This is an important provision of law for many States; not all, but for many.

There is some indication in my State—and we are still trying to collect the relevant data—that 34 percent, almost 35 percent, possibly, of the so-called \$2 billion that would be lost over a 10- or 11-year period to the windfall tax revenues would be at the expense of the State of New Mexico. I hope this is not true.

We are trying to verify these preliminary figures from the U.S. Geological Survey. When we have them, I am sure many of my colleagues will be very interested, particularly those from the States of Alaska, California, Colorado, Montana, Nevada, North Dakota, Utah, and Wyoming.

The Federal Government obtains a substantial amount of royalty income from the production in natural petroleum reserves and Federal leases. At least for onshore properties, the Federal Government shares a substantial portion of these royalties with the States in which Federal land is located.

For example, on the Teapot Dome National Petroleum Reserve, the Federal Government shares 50 percent of its net royalty income with the State of Wyoming. If the Federal royalties are subject to the windfall profit tax, the net amount to the Federal royalty income will be reduced and, consequently, State revenues will be reduced.

Under the House bill, Federal royalty oil was subject to the windfall profit tax. On the Senate floor, however, Senator Long added an amendment to H.R. 3919 which exempted all oil production owned by the Federal Government. At the time, Senator Long stated that this exemption involved only a bookkeeping change; it would reduce total windfall profit tax receipts, but it would increase

Federal royalty receipts by the same amount.

Senator Long asserted, and I am certain asserted in good faith, that this exemption would involve no revenue loss, since it was merely shifting Federal money from one pocket to another.

As I indicated earlier, and as Senator Long has indicated in his remarks of March 20, when the bill was in conference, he learned that he had been in error in stating that the exemption for Federal royalty oil involved no revenue impact. To avoid any appearance that he had tried to gain an unfair advantage for the States, Senator Long moved that the Senate recede to the House bill on this point.

Senator Long's motion was accepted, as I understand it, without any lengthy discussion. And, accordingly, under the conference report, Federal royalty oil is subject to the windfall profit tax and the amount of revenue the States will receive from this source will be reduced accordingly.

The Joint Committee on Taxation, in a preliminary estimate, as I understand it, has suggested that the taxation of onshore Federal royalties will reduce the State income by approximately \$2 billion from 1980 to 1990.

In fiscal year 1980 the States' loss is estimated to be \$30 million; in 1981, \$90 million; in 1982, \$121 million; in 1985, \$178 million; and in 1990, \$320 million.

Mr. President, we have been trying to see whether these numbers are accurate, what the actual revenue loss is in total, and on a State-by-State basis. We are still trying to do that. This is clearly one of those areas of the bill that nobody fully understands. It is not the only one where we do not understand the total impact on the States, the country, and the consumer, but it is an important one.

If the States truly are going to lose revenue at the level that has been indicated by our preliminary information from the U.S. Geological Survey, then some of our States, including that of the distinguished occupant of the chair, are going to have to re-think some of their budgetary considerations for the future.

So that we can further discuss this issue next week with the distinguished Senator from Louisiana and others who are interested or concerned, I will ask at this point four questions which I hope they and their staffs will have a chance to study over the weekend and maybe on Monday, and then we can begin to study the issue here in debate as it should have been during the original consideration of the Senate bill.

The first question is:

What is the basis for the \$2 billion estimate for revenue lost to the States as a result of the decision to tax Federal oil royalties?

I think it is important that that basis be as defined and in as much detail as possible, and with some indication of what the indirect effects are so that the aggregate revenue effort, both static and dynamic, on the Federal Treasury can be analyzed.

How will that \$2 billion loss, if it is indeed an accurate figure, be distributed among the States affected, based both on

historical data and on the projection through the effective period of the windfall tax?

Does not this particular provision discriminate against those States which have significant Federal landholdings within their boundaries?

If the royalties in question were directly owned by the States concerned, they would be exempt from taxation under the conference report. Clearly, Mr. President, this does imply a discrimination between those States which entered the Union without major Federal land being withheld and those which entered the Union with great amounts of Federal land withheld from State ownership.

If there is nothing that can be done to address this issue short of defeating the conference report, would the Finance Committee agree to consider promptly legislation to correct this inequity and to hold hearings in order to better define what the impact of the issue is and what that legislation should be?

Mr. President, I think it is important that we focus on this particular issue, as well as many others that I and my colleagues have raised connected with the windfall tax, because, if nothing else, Mr. President, you, I, and others, are going to have to explain this mess to our constituents. Frankly, in spite of my study of the issue, I am not yet fully prepared to explain what in the world we have done to them. Maybe it will only take time for them to realize the true impact of this piece of legislation.

Finally, Mr. President, a recent article by Frank Burke, Jr., of the accounting firm of Peat, Marwick, Mitchell & Co., raised some points that, to my knowledge, have not been focussed on as yet in this debate. For example, I will quote one paragraph. First, I will ask that the entire article be printed in the Record at the conclusion of my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. SCHMITT. In one paragraph it states:

Many commentators have correctly observed that the tax is not being imposed on profits resulting from decontrol of crude oil prices, but rather is being imposed upon the removal of crude oil from the reservoir and measured by a portion of the actual or constructive gross receipts resulting from crude oil decontrol. Little attention has been given, however, to the facts that: (1) crude oil reserves or the rights thereto are vested property rights; (2) the WPT is assessed on the act of removal of crude oil from the reservoir, not upon the sale or use of such crude oil; (3) the WPT does not apply uniformly to crude oil throughout the United States, but rather treats certain crude oil differently based upon geographic location (i.e., certain Alaskan crude oil is not taxed because of geographic location); (4) the WPT will now presumably be retroactive as to removals occurring from March 1, 1980 to the date the tax becomes law; and (5) the increased value of crude oil removed from the reservoir represents the value determined by our free market system, not an artificial or falsely inflated value.

The article goes on to talk about these property right related issues in considerable detail. I suggest that my colleagues take the time to read it.

One particularly important paragraph in which I believe our colleagues will be interested is as follows:

Unfortunately, much of the impetus for the WPT is the general public's view that the increased gross revenues automatically create excess profits which should bear more than the ordinary tax burden. Perhaps this attitude would be corrected and the general public's focus on vested property rights would be sharpened if Congress placed a so-called excise tax on a specified portion of the appreciation above original cost of personal residences to fund a national mortgage interest program which would allow low-income families to receive favorable mortgage interest rates on new homes. Would such a tax be Constitutional?

I think Mr. Burke asks some important questions and it is certainly our responsibility to make sure that we are not creating law that subsequently will cause more confusion as it is tested in the courts based upon its constitutionality.

It might also be important next week for the various members of the Finance Committee who are supporting this measure, and others, to look at the constitutional questions raised by Mr. Burke and be prepared to at least explain to this Senator and others why they believe they are not valid issues.

EXHIBIT 1

THE WINDFALL PROFITS TAX—THE POWER OF TAXATION OR THE TAKING OF PROPERTY?

(By Frank Burke, Jr.)

(EDITOR'S NOTE.—The following article is an analysis of some of the Constitutional questions raised by the Windfall Profits Tax, as passed by the House-Senate conferees in February. When and if the excise tax becomes law, Frank Burke, of Peat, Marwick, Mitchell & Co., will present a detailed analysis of the provisions of the tax measure in "The American Oil & Gas Reporter.")

WASHINGTON, D.C.—After a tattered political history, beginning in 1973 when first proposed by the Nixon administration, the so-called Windfall Profits Tax (WPT) on crude oil was agreed upon by the Conference Committee on February 26, 1980 and presumably will be signed into law by President Carter.

Despite the fact that the complexities of the WPT will make administration and enforcement chaotic for both producers and government, Congress has created the WPT to raise revenues for certain federal programs, including support for low income families, and possibly a Social Security system, and a general income tax reduction. Incredible as it may seem, only a rather insignificant part of the tax revenues will be utilized to assist in solving our country's energy problems. (The bill passed by House-Senate conferees calls for 60 percent, or \$136 billion, to be earmarked for income tax reductions, and 25 percent, or \$57 billion, would be reimbursed to lower income Americans for higher fuel bills. Only 15 percent, or \$34 billion, would finance development of unconventional energy sources.)

Many commentators have correctly observed that the tax is not being imposed on profits resulting from decontrol of crude oil prices, but rather is being imposed upon the removal of crude oil from the reservoir and measured by a portion of the actual or constructive gross receipts resulting from crude oil decontrol. Little attention has been given, however, to the facts that: (1) crude oil reserves or the rights thereto are vested property rights; (2) the WPT is assessed on the act of removal of crude oil from the reservoir, not upon the sale or use of such crude oil; (3) the WPT does not apply uniformly to crude oil throughout the United States, but

rather treats certain crude oil differently based upon geographic location (i.e., certain Alaskan crude oil is not taxed because of geographic location); (4) the WPT will now presumably be retroactive as to removals occurring from March 1, 1980 to the date the tax becomes law; and (5) the increased value of crude oil removed from the reservoir represents the value determined by our free market system, not an artificial or falsely inflated value. These facts require that the oil industry and the legal profession carefully examine the WPT from a Constitutional viewpoint, recognizing in the process that taxpayers have been notably unsuccessful in challenging tax statutes on a Constitutional basis. Some general questions regarding the WPT are raised in the following paragraphs which highlight the need for immediate legal analysis of the Constitutionality of the WPT.

The WPT is specifically identified as an "excise" tax in the statute. Such a tax is generally defined as a tax on a privilege, including the privilege of selling or using property. The only stated Constitutional requirement for an excise tax is that it be geographically uniform. On the other hand, if a tax is a direct tax, it must be apportioned based upon population or must qualify as an income tax under the Sixteenth Amendment.

The WPT does not appear to be an excise tax on a privilege such as selling or using crude oil since it is imposed on the removal of crude oil, not upon the privilege of selling or using such crude oil. The actual or constructive selling price merely provides a measure of the tax imposed on removal. Since lifting and removal of crude oil are not privileges readily separable from the ownership of crude oil reserves and, in fact, are in many cases merely fulfillment of previously existing legal obligations and relationships, there seems to be little basis for classifying the WPT as an excise tax. Further, since crude oil may be subject to the WPT or not subject to the WPT depending upon geographical location, the WPT appears not to be geographically uniform. If the foregoing observations are valid, could a court find the WPT to be a Constitutional excise tax?

If a court found the WPT to be a valid excise tax, the question of retroactivity would have to be considered before the Constitutionality of the tax could be finally ascertained. As indicated above, an excise tax is a tax on a privilege. If a tax is imposed by Congress after a privilege is exercised, such a tax appears to be a demand against the property resulting from exercise of the privilege and hence a direct tax. Assuming for the moment that removal is a privilege rather than a property right or a legal obligation, a tax imposed on the removals—which occur between March 1 (assuming that is the effective date of the WPT) and the date the WPT becomes law—would appear to be a tax on the property resulting from the exercise of the privilege, not a tax on the exercise of the privilege itself. How would a court treat retroactivity of the WPT from a Constitutional standpoint?

A more proper classification of the WPT may be as a tax on the vested property rights represented by crude oil reserves measured at the time of removal. As such, it would be a tax on the ownership of crude oil reserves and should be tested under the Constitution as a direct tax. Since the WPT is not apportioned based upon population, it does not appear to be a direct tax unless it qualifies under the Sixteenth Amendment. Since the WPT is measured by gross receipts, not by taxable or net income as presumably required by the Sixteenth Amendment, and since Congress, by definition, did not intend it to be an income tax, the WPT does not appear to qualify under the Sixteenth Amendment. As asked above regarding its status as an excise tax, could a court find the WPT to be a Constitutional direct tax if the foregoing observations are valid?

If the WPT does not qualify as either an excise tax or a direct tax under the Constitution, one might inquire as to whether the WPT actually constitutes a taking of part of the value of vested property rights as measured by the free market for the benefit of the federal government. Certainly, the tax has the appearance of a royalty interest created by Congress out of existing private oil reserves in favor of the federal government. However, the Fifth Amendment of the Constitution provides that private property may not be taken by the federal government without just compensation. Obviously, no compensation has been paid the oil industry for creation of the WPT. Accordingly, does the Fifth Amendment provide any relief from the WPT?

Based upon a literal reading of the Fifth Amendment, one might conclude that the taking of part of the presently accrued free market value of crude oil by what may be an invalid tax is a taking of property subject to the requirements of such provision.

However, before making such an observation it is necessary to briefly review the attitude of the courts toward the impact of the Fifth Amendment on the taxing power. The Supreme Court has indicated that the Fifth Amendment does not limit the taxing power except in rare and special instances. On the other hand, the court has indicated that what appears to be an exercise of the taxing power may, in reality, constitute confiscation of property without due process of law under the Fifth Amendment. Hence, there appears to be at least an implied limitation on the taxing power which prevents arbitrary and grossly unjust exactions contrary to the principles of the Fifth Amendment. Would a court apply such implied limitations to the WPT?

In reviewing the WPT, a court might be justified in allowing a questionable extension of the taxing power in a case where a person is realizing artificial or falsely inflated prices and profits. However, allowing a free market price for crude oil does not create the same need for a "windfall profit tax" mechanism as did the Silver Act of 1934 in which Congress mandated that the price of silver be raised to \$1.29 per ounce at a time when the market price was considerably less than that amount. A "windfall profit-tax" of 50 percent of the profits realized from speculating in silver was included in that legislation. Of current interest is the fact that such tax was carefully designed to avoid Constitutional taking of property problems. No similar precaution appears to have been taken by the administration or Congress with respect to the WPT. Should such presentation have been taken in designing the WPT?

Unfortunately, much of the impetus for the WPT is the general public's view that the increased gross revenues automatically create excess profits which should bear more than the ordinary tax burden. Perhaps this attitude would be corrected and the general public's focus on vested property rights would be sharpened if Congress placed a so-called excise tax on a specified portion of the appreciation above original cost of personal residences to fund a national mortgage interest program which would allow low-income families to receive favorable mortgage interest rates on new homes. Would such a tax be Constitutional?

Without question the power of the federal government to raise taxes is, and of right should be, broad. Our government should, however, have the capability of supporting itself and its programs without having to exact the vested free market value of private property through means other than the income tax allowed by the Sixteenth Amendment. Certainly the fact that additional taxable income resulting from the increased revenues from decontrol is already subject to income taxation (as is taxable income from the realization of other vested property rights) should be a significant enough pen-

ality to the realization of the free market value of crude oil. If not, a special income tax on unreinvested cash flow resulting from decontrol might be appropriate.

If the WPT becomes law, it is hoped that the oil industry and the legal profession will pursue these questions and the other Constitutional impediments which may exist in the WPT legislation realizing, as stated earlier, that taxpayer successes are few in Constitutional matters. Such activity might, at a minimum, have the remedial effect of protecting the rights of other property owners in the United States in the years to come. It must be established that no "windfall" results from the mere realization by a property owner of the value of his vested property rights where outside influences, such as inflation and the free market, have resulted in increased values. If one examines the WPT legislation unemotionally, it becomes clear that the only "windfall" involved is the proliferation of government jobs and costs necessary to administer and enforce this unwieldy legislation. Hopefully, our Constitution will protect us not only from expansion of the bureaucracy, but also from this unfortunate attempt to expand the taxing power.

Mr. SCHMITT. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. HUBLESTON). The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. SCHMITT. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

APPOINTMENT BY THE VICE PRESIDENT

The PRESIDING OFFICER. The Chair, on behalf of the Vice President, pursuant to Executive Order No. 12195, signed by the President on February 22, 1980, appoints the Senator from California (Mr. HAYAKAWA) to be a member

of the President's Commission on United States-Liberian Relations.

Mr. SCHMITT. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER THAT THE BANKING COMMITTEE MAY HAVE UNTIL MIDNIGHT TONIGHT TO FILE A REPORT ON H.R. 4986

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the Banking Committee have permission to file a conference report until midnight tonight on H.R. 4986.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR RECOGNITION OF SENATOR PROXMIRE ON MONDAY, MARCH 24, 1980

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the order for the recognition of Mr. PROXMIRE for not to exceed 15 minutes on Tuesday, March 25, be vitiated, and that the order be converted to Monday, March 24, immediately after the standing orders for the recognition of the two leaders or their designees.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR CERTAIN ACTION TO BE TAKEN

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that Senators

may introduce statements and bills and resolutions in the Record until 6 p.m. today.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ROBERT C. BYRD. Mr. President, I make the same request for committees to file reports and conference reports.

The PRESIDING OFFICER. Without objection, it is so ordered.

RECESS TO MONDAY, MARCH 24, 1980

Mr. ROBERT C. BYRD. Mr. President, if there be no further business to come before the Senate, I move, in accordance with the order previously entered, that the Senate stand in recess until the hour of 12 o'clock noon on Monday next.

The motion was agreed to; and at 4:22 p.m., the Senate recessed until Monday, March 24, 1980, at 12 noon.

NOMINATIONS

Executive nominations received by the Senate March 21, 1980:

DEPARTMENT OF EDUCATION

Steven A. Minter, of Ohio, to be Under Secretary of Education (new position).

FEDERAL RESERVE SYSTEM

Lyle Elden Gramley, of Missouri, to be a Member of the Board of Governors of the Federal Reserve System for a term of 14 years from February 1, 1980, vice Philip Edward Coldwell, term expired.

WITHDRAWALS

Executive nomination withdrawn from the Senate March 21, 1980:

Lyle Elden Gramley, of Kansas, to be a Member of the Board of Governors of the Federal Reserve System for a term of 14 years from February 1, 1980, vice Philip Edward Coldwell, term expired, which was sent to the Senate on March 18, 1980.